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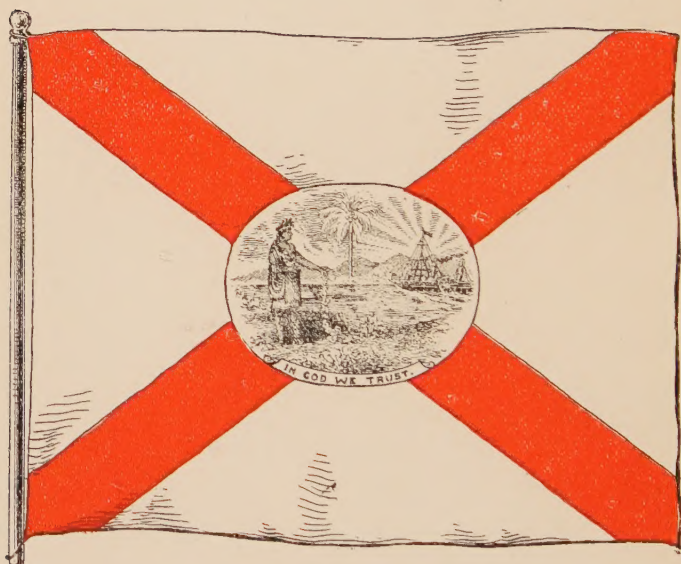
CIVIL GOVERNMENT
FLORIDA
AND
UNITED STATES

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YOCUM



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STATE FLAG OF FLORIDA

CIVIL GOVERNMENT

IN

FLORIDA

UNDER STATE AND FEDERAL
CONSTITUTIONS.

WITHDRAWN

BY

W. F. YOCUM, A.M., D.D.,

PROFESSOR OF LATIN AND PHILOSOPHY,
UNIVERSITY OF FLORIDA.

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PREFACE.

The importance of the study of civil government is admitted. Civics finds a place in the course of study of almost every school.

This book is written in the opinion that the government of our own State is the proper starting point. Let us understand the facts nearest to us before we go abroad. Let us study them somewhat in detail. Then we shall be better able to understand the government of our nation and the governments of other nations.

Is the book too large? Not for the teacher, certainly. If it is thought that the thorough study of all the pages will require of the pupil more time than can be afforded, the recitations may be confined to the more important parts. These more important parts have been printed in the larger type. Or the teacher may, in assigning the lesson, indicate what paragraphs may be omitted. The parts omitted will be of great value for reference and for more thorough study of advanced classes.

Five methods of conducting the recitation are suggested to inexperienced teachers.

1. If no time can be given to the preparation of the lesson. In this case let the portion of the Constitution to be considered be read aloud in the class by the pupils. The teacher will ask questions, make explanations and illustrate by supposed cases or actual occurrences.

2. If some time can be given to the study of the lesson but the pupils are young, let them use the

questions at the close of the chapter to guide their study, and in reciting let the teacher ask those questions or similar ones.

3. Older pupils should study with a view to reciting by the topical method. For this purpose use the Table of Contents. When the pupil recites he has this table of contents open before him and is guided by it in his recitation. In his study he has of course read the portion of the Constitution assigned for the day, and the notes upon it.

4. Let several pupils place on the board outlines of the topics and recite from them.

In all cases the sections of the Constitution should be read aloud in the class, if time will permit.

5. Use the Topical Analysis of the Constitution. Let the pupils reproduce this *from memory* on slates or blackboard, and in reciting, read from the Constitution the clauses indicated. This will constitute an excellent review for those who have previously studied the Constitution consecutively by articles and sections.

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CIVIL GOVERNMENT IN FLORIDA.

CHAPTER I.

INTRODUCTION.

A solitary man cast by shipwreck upon an uninhabited island would have no need of *civil government*. He could fish and hunt wherever he pleased. He could gather nuts and berries and eggs wherever he could find them. He could fell trees and mine gold and plant corn without asking leave of any one. There would be no one to say to him, "*Thou shalt*," or "*Thou shalt not*."

But if, after awhile, a whole ship-load of men, women and children were cast upon the same island, a new condition would present itself.

First, a great advantage would be found in working together. Logs too heavy for one man to lift, could be lifted by several men together, and thus larger canoes and better houses could be made. By working with a seine two men could catch ten times as many fish as they could separately. They could bridge the streams and drive away wild beasts, and build bridges and cheer each other's hearts with songs and conversation.

Second. But the first man would soon find that he had lost some of his former liberty. Some one else would get his favorite fishing place. His favorite berry patch would not yield enough for all and he would not get all he wanted. His favorite pecan tree near his hut would be clubbed by others and his winter hoard of nuts thus diminished.

It might come about that some lazy ones would insist on using the stores that others had collected. Some rude ones would impose on the children and women. Some angry man would kill another.

So these islanders would find it necessary to *form a government*. This government would *define* the *rights* of each citizen and try to *protect* him in the enjoyment of these *rights*.

In forming this government each one would agree to do certain things, and to refrain from doing certain other things. For instance, he would agree to help build a road or a bridge when the welfare of the society should require it. He would agree to aid in defending the society from wild beasts or savages or other enemies. He would agree to help pay the officers whom the society should choose.

On the other hand, he would agree not to take the corn that his neighbor should raise or the fish that he should catch. He would agree not to kill or injure his neighbor or to slander him, or to make slaves of the weaker members of the society.

In return for these concessions the citizen would demand that the government should prevent others from killing him or maiming him; that he should not be compelled to work for another, or restrained from working for himself; and that the corn he should raise or the game he should trap or the gold he should dig should not be taken from him without his *consent*.

Thus he claims certain *rights* and agrees to perform certain *duties*.

All who should enter into such an agreement would be *citizens*. If there were some who would refuse to join they might be allowed to remain with the others, but would be compelled to obey the laws.

Otherwise they might go to some other island and form a new government or live alone.

Nearly all the governments of the world have originated from the people as in the above supposed case. But some have begun differently, and others while originating with the people, have soon fallen under the control of a privileged class or even of a single individual, so that the rights of the common people have not been duly regarded. Following are some of the forms of government generally recognized.

Patriarchal Government. This means the *father-ruled* government. Here the head of the family makes the laws and sees that they are obeyed. In pastoral, or shepherd tribes this form of government has prevailed. The patriarch, with his children and grand-children and servants and flocks, moves from place to place or over the range as abundance or scarcity of water and grass may require, seldom having any permanent abode. The whole community may consist of a thousand people, to whom the word of the patriarch is law. The history of Abraham as given in the Bible illustrates this form of government. This is evidently *not* a government "from the people by the people."

Monarchy. The name means that *one rules* in this form of government. This one is called king, emperor, czar, sultan, or by other like title.

The monarchy may be *absolute* or *limited*. In absolute monarchy, the will of the monarch is the law of the land. Laws are made and executed according to his dictate. Turkey, Russia, China and some other nations have this form of government.

In the limited monarchy, the sovereign is more or less restrained by a written constitution or by accepted custom. Attempts to do otherwise than is in accordance with this custom would cause complaint and possibly a revolution. At the present time, limited monarchies are generally hereditary, that is, the sovereignty descends from father to son. Should no eldest son exist, some other near relative of the king may be designated as successor. It is generally conceded that the king may designate his successor, but if he fails to do so, or designates a manifestly improper successor, the chief men of the kingdom or the law-making body may change the appointment. The old kings of Germany were *elected* for life by certain noblemen called *electors*, whose office was hereditary. England and Germany are limited monarchies.

Aristocracy. The word means the *rule of the best*. The "best" have generally been the rich or the highborn. No government at the present time is strictly an aristocracy, but in England and some other monarchies the privileged classes have much influence in the government.

Oligarchy means *government by a few*. Such for a short time was Rome under the *decemvirs* who had usurped the power, and again under the triumvirates in Cæsar's time.

Democracy means the *rule of the people*. In a pure democracy *all* the voters meet and vote on every measure. This was tried in Athens. It exists in small parts of Switzerland, and the town meetings of some New England States approximate this ideal. But in a large country it is manifestly impossible for all the people to meet, and hence no pure democracies exist as nations.

Republic. A republic is a representative democracy. The people choose representatives to assemble and vote for them. France, Switzerland, and the United States of America, Mexico and all the States of Central and South America are nominally republics. In some of these the people take little interest in carrying on the government, and the officers and a few leading citizens really constitute the government. But the forms of election are preserved and the name of republic is still applicable. In some the government is more *centralized* than in others. In France, for instance, the *departments*, which may be compared to our States, are governed from Paris. But in America each State has a government and a governor of its own choosing. In Switzerland, and to a less extent in other republics, provision is made for the *referendum*. This means that important measures passed at the capital must on demand of a specified number of citizens, be *referred* to the people for ratification. This is an approach to pure democracy.

Federal Republic. The United States of America constitute a federal republic, because our nation is composed of several states which are themselves republics, while the general government is also a republic.

Several other terms are frequently seen and heard and may be defined.

Anarchy is the absence of all government.

Plutocracy means government by money.

Mobocracy, or properly *ochlocracy*, is government by the rabble.

SUMMARY.

A number of people living near each other and working together constitute a *society*.

Society cannot continue without a *government*.
Government is society organized to protect the rights of its members.

In return for the protection, the citizen agrees to obey and sustain the government. He thus has *duties* as well as *rights*.

"Governments derive their just powers from the consent of the governed."

A democracy is a government where the people make the laws.

A republic is a government where the people make the laws by their representatives. It is a representative democracy.

The word civil is used in distinction from *military*.

QUESTIONS ON CHAPTER I.

1. Would a solitary man need civil government?
2. What advantages and what disadvantages would result from changing from a solitary life to life in society? Name other advantages and restrictions than those given in paragraphs 2 and 3.
3. What are some of the rights which a citizen may claim from the government?
4. Name some things which a citizen ought to do or refrain from doing.
5. How have the governments of the world originated?
6. Explain the form of government denoted by the word *Patriarchal*. Give an example. Does the Patriarchal form exist in any country now?
7. What is Monarchy? What two kinds? Give examples. How is a new monarch chosen?
8. Define the terms Aristocracy and Oligarchy. Is there a difference?
9. What is a Democracy? Do pure democracies exist now?
10. What is a Republic? Give illustration. Referendum? Federal Republic? *Centralized* republics?
11. Define the terms Anarchy, Plutocracy, Ochlocracy or Mobrocracy.

CHAPTER II.

CONSTITUTIONS.

The agreement entered into in forming a government is called a constitution. Sometimes this constitution is written. This would seem very desirable. Parchment copies of it may then be made to be preserved in the archives of the government, or it might be engraved on some imperishable metal to be handed down to future generations. Copies of it may be printed so that every citizen may become acquainted with its provisions.

All the States of the American Union have written constitutions. The United States' Constitution is also written, and every State in the Union has agreed to it and formed its own constitution in harmony with it.

Sometimes, however, the constitution of a government is not written but is held in memory and transmitted by tradition and by the customs which have grown up under it. England has no formal written constitution. Certain agreements made many years ago between the king and the people form the basis of the government, but the laws passed by parliament and the long-standing customs of the realm are the constitution. As new precedents have been made from time to time by parliament, and new customs have been introduced, it is sometimes said that the Constitution of England is an *accumulated* constitution.

Every person in the United States owes allegiance to two governments and must obey the laws of both. The government that is nearest to us and that affects us at most points is our own State government. The laws of the State protect our lives

and property. The schools are maintained by the State. Nearly all misdemeanors and crimes which can be mentioned are forbidden by the laws of the state and punished by the State courts.

But there are some things about which the States have agreed not to make laws. They have agreed not to coin money, or make anything but gold and silver a legal tender, or to declare war. By common consent all matters relating to the postoffice and the carrying of the mail, and the distilling of liquors are omitted by the States. Laws on these subjects are passed by the Congress at Washington. If a postoffice clerk takes money out of a letter that has been mailed, he is punished by the laws of the United States and not by State laws. If a man coins money or makes whiskey without license, United States officers will hunt him in whatever swamp or mountain cave he may have hidden, and if found, he will be tried and punished according to the laws of the United States.

So the laws made at the capital of our State and the laws made at Washington reach every citizen, however obscure, and must be obeyed by every one. These two systems of government may be compared to the veins and arteries of the human body in that both are everywhere and both are needed for health and growth.

The laws made at Washington are called *federal* laws; the officers who enforce these laws are called *federal* officers, and the whole national government is called the *federal* government.

The constitution of a government can only set forth the general principles; details must be left to the legislature. So, many laws are passed from time to time to carry into effect the principles of the con-

stitution. These laws are called statutes. The constitution of our nation is declared to be the "Supreme law of the land," and no statutes may be made either by Congress or the legislature which may conflict with this supreme law.

In studying the constitution of our State, it is important that we study the *document itself*. Comments and explanations are useful, but must not be substituted for the words of the constitution. Men who make statesmanship their business have the constitution almost by heart. While such complete familiarity with the document is not to be expected of teachers and pupils in our schools, yet the most important principles and the phraseology which expresses these principles should be at ready command.

We shall first go through the constitution of our own State, making such explanations as may seem necessary and following the order of the articles and sections as they are found in the original instrument. Afterwards will be found a topical presentation of the civil government of the State.

Florida has had five constitutions.

The first was framed by a convention assembled for that purpose at St. Joseph's in 1838-39. After six years this Constitution was approved by Congress and Florida was admitted as a State, March 3, 1845.

The second constitution was adopted April, 1861, soon after the passing of the Ordinance of Secession, and remained effective throughout the civil war.

The third constitution was framed to meet the new conditions that resulted from the civil war. This constitution recognized the freedom of the

former slaves and made provisions for their protection in the enjoyment of personal and civil rights. They were not, however, allowed to vote, and certain provisions for the prevention of vagrancy made the constitution unsatisfactory to the more radical leaders in Congress. The refusal of the State to ratify the fourteenth amendment prevented her restoration to her place in the Union. The State government, however, was conducted under the constitution of 1865 until 1868.

The fourth constitution was formed in 1868, and its provisions being acceptable to Congress, the State resumed her place.

The fifth constitution is now in force. It was formed by a convention sitting at Tallahassee in the summer of 1885. Being submitted to the people, it was ratified in November, 1886, and by its own provisions went into operation January 1, 1887. It is referred to as the Constitution of 1885.

SUMMARY.

A constitution is the agreement entered into in forming a government. It defines the relation between the citizens and the government and prescribes in a general way the rights and duties of each.

The United States and all the States of the Union have *written* constitutions. England has an *unwritten* constitution, built upon precedents of the sovereigns and acts of parliament.

Florida has had *five* constitutions. *The first* was adopted in 1839 at St. Joseph's. It became effective when the State was admitted into the Union in 1845 and remained in force until the war of secession.

The second was adopted in 1861 and remained in force during the civil war.

The third was adopted in 1865, and under it the State government was conducted until 1868. This constitution was never approved by Congress, and the State remained out of the Union.

The fourth was adopted in 1868, and under it the State re-entered the Union and conducted its affairs until 1885.

The fifth and present constitution was adopted by the convention of 1885, sitting at Tallahassee. It was ratified in 1886, and became operative in 1887.

QUESTIONS ON CHAPTER II.

1. What is the Constitution of a government?
2. What advantages does a written Constitution have?
3. Are all Constitutions written? What, then, forms the Constitution?
4. Give examples of government based upon written Constitutions. How about the British Constitution? What is such a Constitution sometimes called?
5. To how many governments does each citizen of the United States owe allegiance? Name some things that are regulated by the State Constitution. Some that are regulated by the United States.
6. To what may we compare the laws of Congress and the laws of the State Legislature?
7. Explain and apply the term Federal.
8. What are the statutes and why are they necessary?
9. How should the Constitution of our State be studied? Use of comments, etc.
10. Give a brief history of the different Constitutions under which Florida has been governed.

Preparatory questions, to be answered by examining the Constitution as printed in the following pages :

1. What is the introduction to the Constitution called?
2. What follows this introduction?
3. Of how many sections is it composed?
4. How many articles compose the Constitution proper?
5. What follow the last article of the Constitution? How many?

6. Who was the president of the convention that framed this Constitution?
7. When was the Constitution ratified by the people?
8. When did it go into effect?
9. Compare the preamble of this Constitution with the preamble of the Federal Constitution, and note the points of agreement.

Note to the Teacher. — In accordance with the view that the *Constitution itself* should be the subject studied, that document is placed here instead of being relegated to the appendix as is customary. The comments and explanations follow the Constitution, and are to be studied in connection with it. See suggestions in the Preface.

CONSTITUTION

ADOPTED BY THE CONVENTION OF 1885.

PREAMBLE.

We, the people of the State of Florida, grateful to Almighty God for our constitutional liberty, in order to secure its blessings and to form a more perfect government, insuring domestic tranquility, maintaining public order, and guaranteeing equal civil and political rights to all, do ordain and establish this Constitution.

DECLARATION OF RIGHTS.

Section 1. All men are equal before the law, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing happiness and obtaining safety.

Sec. 2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the citizens, and they have the right to alter or amend the same whenever the public good may require it; but the paramount allegiance of every citizen is due to the Federal Government, and the people of this State have no power to dissolve its connection therewith.

Sec. 3. The right of trial by jury shall be secured to all and remain inviolate forever.

Sec. 4. All courts in this State shall be open, so that every person for any injury done him in his lands, goods, person or reputation shall have remedy, by due course of law, and right and justice shall be administered without sale, denial or delay.

Sec. 5. The free exercise and enjoyment of religious profession and worship shall forever be allowed in this State, and no person shall be rendered incompetent as a witness on account of his religious opinions; but the liberty of conscience hereby secured shall not be so construed as to justify

licentiousness or practices subversive of, or inconsistent with, the peace or moral safety of the State or society.

Sec. 6. No preference shall be given by law to any church, sect or mode of worship, and no money shall ever be taken from the public treasury directly or indirectly in aid of any church, sect or religious denomination, or in aid of any sectarian institution.

Sec. 7. The writ of *habeas corpus* shall be grantable speedily and of right, freely and without cost, and shall never be suspended unless, in case of rebellion or invasion, the public safety may require its suspension.

Sec. 8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment or indefinite imprisonment be allowed, nor shall witnesses be unreasonably detained.

Sec. 9. All persons shall be bailable by sufficient sureties, except for capital offences, where the proof is evident or the presumption great.

Sec. 10. No person shall be tried for a capital crime or other felony, unless on presentment or indictment by a grand jury, except as is otherwise provided in this Constitution, and except in cases of impeachment, and in cases in the militia when in active service in time of war, or which the State, with the consent of Congress, may keep in time of peace.

Sec. 11. In all criminal prosecutions the accused shall have the right to a speedy and public trial, by an impartial jury, in the county where the crime was committed, and shall be heard by himself or counsel, or both, to demand the nature and cause of the accusation against him, to meet the witnesses against him face to face, and have compulsory process for the attendance of witnesses in his favor, and shall be furnished with a copy of the indictment against him.

Sec. 12. No person shall be subject to be twice put in jeopardy for the same offence, nor compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law; nor shall private property be taken without just compensation.

Sec. 13. Every person may fully speak and write his sentiments on all subjects, being responsible for the abuse of that right, and no laws shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for libel the truth may be given in evidence to the jury, and if it shall appear that

the matter charged as libellous is true, and was published for good motives, the party shall be acquitted or exonerated.

Sec. 14. No person shall be compelled to pay costs except after conviction, on a final trial.

Sec. 15. The people shall have the right to assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

Sec. 16. No person shall be imprisoned for debt except in cases of fraud.

Sec. 17. No bill of attainder, *ex post facto* law, nor any law impairing the obligation of contracts, shall ever be passed.

Sec. 18. Foreigners shall have the same rights as to the ownership, inheritance and disposition of property in this State as citizens of the State.

Sec. 19. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party has been duly convicted, shall ever be allowed in this State.

Sec. 20. The right of the people to bear arms in defence of themselves and the lawful authority of the State, shall not be infringed, but the Legislature may prescribe the manner in which they may be borne.

Sec. 21. The military shall in all cases and at all times be in strict subordination to the civil power.

Sec. 22. The right of the people to be secure in their persons, houses, papers and effects against unreasonable seizures and searches shall not be violated, and no warrants issued but upon probable cause, supported by oath or affirmation, particularly describing the place or places to be searched, and the person or persons, and the thing or things to be seized.

Sec. 23. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or confession in open court, and no conviction for treason shall work corruption of blood or forfeiture of estate.

Sec. 24. This enunciation of rights shall not be construed to impair or deny others retained by the people.

ARTICLE I.

Boundaries.

The boundaries of the State of Florida shall be as follows: Commencing at the mouth of the River Perdido; from thence up the middle of said river to where it intersects the south boundary line of the State of Alabama, and the thirty-first degree of north latitude; thence due east to the Chattahoochee River; thence down the middle of said river to its confluence with the Flint River; thence straight to the head of the St. Mary's River; thence down the middle of said river to the Atlantic Ocean; thence southeastwardly along the coast to the edge of the Gulf Stream; thence southwestwardly along the edge of the Gulf Stream and Florida Reefs to and including the Tortugas Islands; thence northeastwardly to a point three leagues from the mainland; thence northwestwardly three leagues from the land to a point west of the mouth of the Perdido River; thence to the place of beginning.

ARTICLE II.

Distribution of Powers.

The powers of the government of the State of Florida shall be divided into three departments—Legislative, Executive and Judicial; and no person properly belonging to one of the departments shall exercise any powers appertaining to either of the others, except in cases expressly provided for by this Constitution.

ARTICLE III.

Legislative Department.

Section 1. The Legislative authority of this State shall be vested in a Senate and a House of Representatives, which shall be designated, "The Legislature of the State of Florida," and the sessions thereof shall be held at the seat of government of the State.

Sec. 2. The regular sessions of the Legislature shall be held biennially, commencing on the first Tuesday after the first Monday in April, A. D. 1887, and on the corresponding day of every second year thereafter, but the Governor may convene the same in extra session by his proclamation. Regular sessions of the Legislature may extend to sixty days, but no special session convened by the Governor shall exceed twenty days.

Sec. 3. The members of the House of Representatives shall be chosen biennially, those of the first Legislature on the first Tuesday after the first Monday in November, A. D. 1886, and thereafter on the corresponding day of every second year.

Sec. 3 as amended in 1890 :

Sec. 3. The members of the House of Representatives shall be chosen biennially, beginning with the general election on the first Tuesday after the first Monday in October, A. D. 1892, and thereafter on the corresponding day of every second year.

Section 3 as re-amended in 1896 :

Sec. 3. The members of the House of Representatives of the State of Florida shall be chosen biennially beginning with the general election on the first Tuesday after the first Monday in November, 1898, and thereafter on the corresponding day of every second year.

Sec. 4. Senators and members of the House of Representatives shall be duly qualified electors in the respective counties and districts for which they were chosen. The pay of members of the Senate and House of Representatives shall not exceed six dollars a day for each day of session, and mileage to and from their homes to the seat of government: not to exceed ten cents a mile each way, by the nearest and most practicable route.

Sec. 5. No Senator or member of the House of Representatives shall, during the time for which he was elected, be appointed or elected to any civil office under the Constitution of this State, that has been created, or the emoluments whereof shall have been increased during such time.

Sec. 6. Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers, and determine the rules of its proceedings. The Senate shall, at the convening of each regular session thereof, choose from among its own members a permanent President of the Senate, who shall be its presiding officer. The House of Representatives shall, at the convening of each regular session thereof, choose from among its own members a permanent Speaker of the House of Representatives, who shall be its presiding officer. Each House may punish its own members for disorderly conduct; and each House, with the concurrence of two-thirds of all of its members present, may expel a member.

Sec. 7. No person holding a lucrative office or appointment under the United States or this State, shall be eligible to a seat in the Legislature of this State.

Sec. 8. The seat of a member of either House shall be vacated on his permanent change of residence from the district or county from which he was elected.

Sec. 9. Either House during the session may punish by fine or imprisonment any person not a member who shall have been guilty of disorderly or contemptuous conduct in its presence, or of a refusal to obey its lawful summons, but such imprisonment shall not exceed beyond the final adjournment of the session.

Sec. 10. Either House shall have power to compel the attendance of witnesses upon any investigations held by itself, or by any of its committees; the manner of the exercise of such power shall be provided by law.

Sec. 11. A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the presence of absent members in such manner and under such penalties as it may prescribe.

Sec. 12. Each House shall keep a Journal of its own proceedings, which shall be published, and the yeas and nays of the members of either House on any question shall, at the desire of any five members present, be entered on the Journal.

Sec. 13. The doors of each House shall be kept open during its session, except the Senate while sitting in Executive session; and neither shall, without the consent of the other, adjourn for more than three days, or to any other town than that in which they may be holding their session.

Sec. 14. Any bill may originate in either House of the Legislature, and after being passed in one House may be amended in the other.

Sec. 15. The enacting clause of every law shall be as follows: "Be it enacted by the Legislature of the State of Florida."

Sec. 16. Each law enacted in the Legislature shall embrace but one subject and matter properly connected therewith, which subject shall be briefly expressed in the title; and no law shall be amended or revised by reference to its title only; but in such case the act, as revised, or section, as amended, shall be re-enacted and published at length.

Sec. 17. Every bill shall be read by sections on three several days in each House, unless, in case of emergency, two-thirds of the House where such bill may be pending shall deem it expedient to dispense with this rule; but the reading of the bill by sections on its final passage shall in no case be dispensed with, and the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays, to be entered on the Journal of each House; *Provided*, That any general revision of the entire laws embodied in any bill shall not be required to be read by sections upon its final passage, and its reading may be wholly dispensed with by a two-thirds vote; and a majority of the members present in each House shall be necessary to pass every bill or joint resolution; and all bills or joint resolutions so passed shall be signed by the presiding officers of the respective Houses, and by the Secretary of the Senate and the Clerk of the House of Representatives.

Sec. 17 as amended in 1896.

Sec. 17. Every bill shall be read by its title, on its first reading, in either house, unless one-third of the members present desire it read by sections. Every bill shall be read on three several days, unless two-thirds of the members present when such bill may be pending, shall deem it expedient to dispense with this rule. Every bill shall be read by its sections on its second reading and on its final passage, unless on its second reading two-thirds of the members present in the House where such bill may be pending, shall deem it expedient to dispense with this rule. The vote on the final passage of every bill or joint resolution shall be taken by yeas and nays to be entered on the journal of each House; *Provided*, That any general revision of the entire laws embodied in any bill shall not be required to be read by sections upon its final passage, and its reading may be wholly dispensed with by a two-thirds vote. A majority of the members present in each house shall be necessary to pass every bill or joint resolution. All bills or joint resolutions so passed shall be signed by the presiding officer of the respective Houses and by the Secretary of the Senate and the Clerk of the House of Representatives.

Sec. 18. No law shall take effect until sixty days from the final adjournment of the session of the Legislature at which it may have been enacted, unless otherwise specially provided in such law.

Sec. 19. Accurate statements of the receipts and expenditures of the public money shall be attached to and published with the laws passed at every regular session of the Legislature.

Sec. 20. The Legislature shall not pass special or local laws in any of the following enumerated cases; that is to say, regulating the jurisdiction and duties of any class of officers, except municipal officers; or for the punishment of crime or misdemeanor; regulating the practice of courts of justice, except municipal courts; providing for changing venue of civil and criminal cases; granting divorces; changing the names of persons; vacating roads; summoning and empaneling grand and petit juries and providing for their compensation; for assessment and collection of taxes for State and county purposes; for opening and conducting elections for State and county officers, and for designating places of voting; for the sale of real estate belonging to minors, estates of decedents, and of persons laboring under legal disabilities; regulating the fees of officers of the State and county; giving effect to informal or invalid deeds or wills; legitimizing children; providing for the adoption of children; relieving minors from legal disabilities, and for the establishment of ferries.

Sec. 21. In all cases enumerated in the preceding section all laws shall be general and of uniform operation throughout the State, but in all cases not enumerated or excepted in that section, the Legislature may pass special or local laws; Provided, That no local or special bill shall be passed, unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least sixty days prior to the introduction into the Legislature of such bill, and in the manner to be provided by law. The evidence that such notice has been published shall be established in the Legislature before such bill shall be passed.

Sec. 22. Provision may be made by general law for bringing suit against the State as to all liabilities now existing or hereafter originating.

Sec. 23. Lotteries are hereby prohibited in this State.

Sec. 24. The Legislature shall establish a uniform system of county and municipal government, which shall be applicable, except in cases where local or special laws are provided by the Legislature that may be inconsistent therewith.

Sec. 25. The Legislature shall provide by general law for incorporating such educational, agricultural, mechanical, mining and other useful companies or associations as may be deemed necessary.

Sec. 25 as amended in 1900.

Sec. 25. The Legislature shall provide by general law for incorporating such educational, agricultural, mechanical, mining, transportation, mercantile and other useful companies or associations as may be deemed necessary; but it shall not pass any special law on any such subject, and any such special law shall be of no effect; *Provided*, however, That nothing herein shall preclude special legislation as to a University or the public schools, or as to a ship canal across the State.

Sec. 26. Laws shall be passed regulating elections, and prohibiting under adequate penalties, all undue influence thereon from power, bribery, tumult or other improper practice.

Sec. 27. The Legislature shall provide for the election by the people or appointment by the Governor of all State and county officers not otherwise provided for by this Constitution, and fix by law their duties and compensation.

Sec. 28. Every bill that may have passed the Legislature shall, before becoming a law, be presented to the Governor; if he approves it he shall sign it, but if not he shall return it with his objections to the house in which it originated, which House shall cause such objections to be entered upon its Journal, and proceed to reconsider it; if, after such reconsideration, it shall pass both houses by a two-thirds vote of the members present, which vote shall be entered upon the Journal of each House, it shall become a law. If any bill shall not be returned within five days after it shall have been presented to the Governor (Sunday excepted) the same shall be a law, in like manner as if he had signed it, If the Legislature, by its final adjournment prevent such action, such bill shall be a law, unless the Governor, within ten days after the adjournment, shall file such bill, with his objections thereto, in the office of the Secretary of State, who shall lay the same before the Legislature at its next session, and if the same shall receive two-thirds of the votes present it shall become a law.

Sec. 29. The House of Representatives shall have the sole power of impeachment; but a vote of two-thirds of all members present shall be required to impeach any officer; and all impeachments shall be tried by the Senate. When sitting for that purpose the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present. The Senate may adjourn to a fixed day for the trial of any im-

peachment, and may sit for the purpose of such trial whether the House of Representatives be in session or not, but the time fixed for such trial shall not be more than six months from the time articles of impeachment shall be preferred by the House of Representatives. The Chief Justice shall preside at all trials by impeachment except in the trial of the Chief Justice, when the Governor shall preside. The Governor, administrative officers of the Executive Department, Justices of the Supreme Court, and Judges of the Circuit Court shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust or profit under the State; but the party convicted or acquitted shall nevertheless be liable for indictment, trial and punishment according to law.

Sec. 30. Laws making appropriations for the salaries of public officers and other current expenses of the State shall contain provisions on no other subject.

Sec. 31. The Legislature shall elect United States Senators in the manner prescribed by Congress of the United States and by this Constitution!

Sec. 32. Repeal or amendment of any Criminal Statute shall not affect the prosecution or punishment of any crime committed before such repeal or amendment.

Sec. 33. No statute shall be passed lessening the time within which a civil action may be commenced on any cause of action existing at the time of its passage.

The following section 34 was added as an amendment in 1898:

Sec. 34. Immediately upon the impeachment of any officer by the House of Representatives, he shall be disqualified from performing any of the duties of his office until acquitted by the Senate, and the Governor in such case shall at once appoint an incumbent to fill such office pending the impeachment proceedings. In case of the impeachment of the Governor the President of the Senate, or, in case of the death, resignation or inability of the President of the Senate, the Speaker of the House of Representatives shall act as Governor pending the impeachment proceedings against the Governor.

ARTICLE IV.

Executive Department.

Section 1. The Supreme Executive power of the State shall be vested in a Chief Magistrate, who shall be styled the Governor of Florida.

Sec. 2. The Governor shall be elected by the qualified electors of the State at the time and place of voting for members of the Legislature, and shall hold his office for four years from the time of his installation, but shall not be eligible for re-election to said office the next succeeding term; *Provided*, That the first election for Governor under this Constitution shall be had at the time and places of voting for members of the Legislature and State officers, A. D. 1888, and the term of office of the Governor then elected shall begin on the first Tuesday after the first Monday in January after his election.

Sec. 3. No person shall be eligible to the office of Governor who is not a qualified elector, and who has not been ten years a citizen of the United States, and five years a citizen and resident of the State of Florida next preceding the time of his election; *Provided*, That these limitations of time shall not apply to the President of the Senate or Speaker of the House of Representatives when, under this Constitution, the powers and duties of Governor shall devolve upon them.

Sec. 4. The Governor shall be commander-in-chief of the military forces of the State, except when they shall be called into the service of the United States.

Sec. 5. The Governor shall transact all executive business with the officers of the Government, civil and military, and may require information in writing from the administrative officers of the Executive Department upon any subject relating to the duties of their respective offices.

Sec. 6. The Governor shall take care that the laws be faithfully executed.

Sec. 7. When any office, from any cause, shall become vacant, and no mode is provided by this Constitution or by the laws of the State for filling such vacancy, the Governor shall have the power to fill such vacancy by granting a commission for the unexpired term.

Sec. 8. The Governor may, on extraordinary occasions, convene the Legislature by proclamation, and shall in his proclamation state the purpose for which it is to be convened, and the Legislature when organized shall transact no legislative business other than that for which it is especially convened, or such other legislative business as the Governor may call to its attention while in session, except by a two-thirds vote of each House.

Sec. 9. The Governor shall communicate by message to the Legislature at each regular session information con-

cerning the condition of the State and recommend such measures as he may deem expedient.

Sec. 10. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper, provided it be not beyond the time fixed for the meeting of the next Legislature.

Sec. 11. The Governor shall have power to suspend the collection of fines and forfeitures, and grant reprieves for a period not exceeding sixty days, for all offences except in cases of impeachment. In cases of conviction for treason he shall have power to suspend the execution of sentence until the case shall be reported to the Legislature at its next session, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve; and if the Legislature shall fail or refuse to make disposition of such case, the sentence shall be enforced at such time and place as the Governor may direct. He shall communicate to the Legislature, at the beginning of every session, every case of fine or forfeiture remitted, or reprieve, pardon or commutation granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date, and the date of its remission, commutation, pardon or reprieve.

Sec. 12. The Governor, Justices of the Supreme Court, and Attorney General, or a major part of them, of whom the Governor shall be one, may, upon such conditions, and with such limitations and restrictions as they may deem proper, remit fines and forfeitures, commute punishment and grant pardons after conviction, in all cases except treason and impeachment, subject to such regulation as may be prescribed by law relative to the manner of applying for pardons.

Sec. 12 as amended in 1896:

Sec. 12. The Governor, Secretary of State, Comptroller, Attorney General and Commissioner of Agriculture, or a major part of them, of whom the Governor shall be one, may upon such conditions and with such limitations and restrictions as they may deem proper, remit fines and forfeitures, commute punishment and grant pardon after conviction, in all cases except treason and impeachment, subject to such regulations as may be prescribed by law relative to the manner of applying for pardons.

Sec. 13. The Governor may, at any time, require the opinion of the Justices of the Supreme Court as to the inter-

pretation of any portion of this Constitution upon any question affecting his Executive powers and duties, and the Justices shall render such opinion in writing.

Sec. 14. All grants and commissions shall be in the name and under the authority of the State of Florida, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

Sec. 15. All officers that shall have been appointed or elected and that are not liable to impeachment, may be suspended from office by the Governor for malfeasance, or misfeasance, or neglect of duty in office, for the commission of any felony, or for drunkenness or incompetency, and the cause of suspension shall be communicated to the officer suspended and to the Senate at its next session. And the Governor, by and with the consent of the Senate, may remove any officer, not liable to impeachment, for any cause above named. Every suspension shall continue until the adjournment of the next session of the Senate, unless the officer suspended shall, upon the recommendation of the Governor, be removed; but the Governor may reinstate the officer so suspended upon satisfactory evidence that the charge or charges against him are untrue. If the Senate shall refuse to remove, or fail to take action before its adjournment, the officer suspended shall resume the duties of the office. The Governor shall have power to fill by appointment any office, the incumbent of which has been suspended. No officer suspended who shall under this section resume the duties of his office, shall suffer any loss of salary or other compensation in consequence of such suspension. The suspension or removal herein authorized shall not relieve the officer from indictment for any misdemeanor in office.

Sec. 16. The Governor shall appoint all commissioned officers of the State militia, including an Adjutant General of the Governor's staff with the rank of Major General, for the State. The Adjutant General shall be the chief officer. His duties and compensation shall be prescribed by law; *Provided*, That this Constitution shall work no vacancy in the office of Adjutant General, as now constituted, until the expiration of the present term.

Sec. 17. The Governor and the administrative officers of the Executive Department shall constitute a Board of Commissioners of State Institutions which board shall have supervision of all matters connected with such institutions in such manner as shall be prescribed by law.

Sec. 18. The Governor shall have power to disapprove of any item or items of any bills making appropriations of money embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the Executive veto.

Sec. 19. In case of the impeachment of the Governor, his removal from office, death, resignation or inability to discharge his official duties, the powers and duties of Governor shall devolve upon the President of the Senate for the residue of the term, or until the disability shall cease; and in case of the impeachment, removal from office, death, resignation or inability of the President of the Senate, the powers and duties of the office shall devolve upon the Speaker of the House of Representatives. But should there be a general election for members of the Legislature during such vacancy, an election for Governor to fill the same shall be had at the same time.

Sec. 20. The Governor shall be assisted by administrative officers as follows : A Secretary of State, Attorney General, Comptroller, Treasurer, Superintendent of Public Instruction, and Commissioner of Agriculture, who shall be elected at the same time as the Governor, and shall hold their office for the same term; *Provided*, That the first election of such officers shall be had at the time of voting for Governor, A. D. 1888.

Sec. 21. The Secretary of State shall keep the records of official acts of the Legislative and Executive Departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature; and shall be the custodian of the Great Seal of the State. He shall also have charge of the Capitol building and grounds, and perform such other duties as shall be prescribed by law.

Sec. 22. The Attorney General shall be the legal adviser of the Governor, and of each of the officers of the Executive Department, and shall perform such other legal duties as may be prescribed by law. He shall be Reporter for the Supreme Court.

Sec. 23. The Comptroller shall examine, audit, adjust and settle the accounts of all officers of the State and perform such other duties as may be prescribed by law.

Sec. 24. The Treasurer shall receive and keep all funds bonds, and other securities, in such manner as may be pre-

scribed by law, and shall disburse no funds, nor issue bonds, or other securities, except upon the order of the Comptroller countersigned by the Governor, in such manner as shall be prescribed by law.

Sec. 25. The Superintendent of Public Instruction shall have supervision of all matters pertaining to public instruction; the supervision of State buildings devoted to educational purposes, and perform such other duties as the Legislature may provide by law.

Sec. 26. The Commissioner of Agriculture shall perform such duties in relation to Agriculture as may be prescribed by law; shall have supervision of all matters pertaining to the public lands under regulations prescribed by law, and shall keep the Bureau of Immigration. He shall also have supervision of the State Prison and shall perform such other duties as may be prescribed by law.

Sec. 27. Each officer of this Department shall make a full report of his official acts, of the receipts and expenditures of his office, and of the requirements of the same, to the Governor at the beginning of each regular session of the Legislature, or whenever the Governor shall require it. Such reports shall be laid before the Legislature by the Governor at the beginning of each regular session thereof. Either House of the Legislature may at any time call upon any officer of this department for information required by it.

Sec. 28. The administrative officers of the Executive Department shall be installed on the same day as the Governor.

Sec. 29. The salary of the Governor of the State shall be thirty-five hundred dollars a year, of the Comptroller two thousand dollars, of the State Treasurer two thousand dollars, of the Secretary of State fifteen hundred dollars, of the Attorney General fifteen hundred dollars, of the Commissioner of Agriculture fifteen hundred dollars, of the Superintendent of Public Instruction fifteen hundred dollars a year; *Provided*, That no administrative officer of the Executive Department shall receive any additional compensation beyond his salary for any service or services rendered the State in connection with the Internal Improvement Fund, or other interests belonging to the State of Florida; *Provided, further*, That the Legislature may after eight years from the adoption of this Constitution increase or decrease any or all of said salaries.

ARTICLE V.

Section 1. The judicial power of the State shall be vested in a Supreme Court, Circuit Courts, Criminal Courts, County Courts, County Judges and Justices of the Peace.

Sec. 2. The Supreme Court shall consist of three Justices, who shall be elected by the qualified electors of the State at the time and places of voting for members of the Legislature, and shall hold their office for a term of six years, except those first elected, one of whom, to be designated by lot in such manner as they may determine, shall hold his office for two years, another to be designated in like manner for four years, and the third for six years, so that one shall be elected every two years after the first election. The Chief Justice shall be designated by lot by said Justices, and shall be such during his term of office. The first election for said Justices shall take place at the first election for members of the Legislature after the ratification of this Constitution, and their term of office shall begin on the first Tuesday after the first Monday in January after their election.

Section 2 as amended in 1902 :

Sec. 2. The Supreme Court shall consist of three Justices, except as hereinafter provided, who shall be elected by the qualified electors of the State at the time and places of voting for members of the Legislature, and shall hold their office for the term of six years, except those first elected, one of whom, to be designated by lot in such manner as they may determine, shall hold his office for two years; another, to be designated in like manner, for four years, and the third for six years, so that one shall be elected every two years after the first election. The Chief Justice shall be designated by lot by said Justices, and shall be such during his term of office. The first election for said Justices shall take place at the first election for members of the Legislature after the ratification of this Constitution, and their term of office shall begin on the first Tuesday after the first Monday after their election.

Upon ratification of this amendment to the Constitution, the Governor, by and with the consent of the Senate, shall appoint three more Justices of the Supreme Court, each of whom shall have the same powers, and shall receive the same compensation as each of the other Justices of the Supreme Court, and each of the Justices so appointed shall hold office until the first Tuesday after the first Monday of June in the year 1905, and may further hold office until his successor shall be elected and qualified, if it shall be so pro-

vided by law. For the year 1905 and for the subsequent years the Legislature may provide by law for the election of such number of Justices of the Supreme Court as it may determine and prescribe their terms of office, not to exceed six years; *Provided*, That the number of Justices of the Supreme Court holding office at the same time shall not be less than three and shall not be greater than six, and *Provided*, That no Justice of the Supreme Court can by such an act of the Legislature be deprived of his office during the term for which he was elected.

Sec. 3. No person shall ever be appointed or elected as a Justice of the Supreme Court, or Judge of a Circuit Court, or Criminal Court, that is not twenty-five years of age and an attorney at law.

Sec. 4. The majority of the Justices of the Supreme Court shall constitute a quorum for the transaction of all business. The concurrence of two Justices shall be necessary to a decision. The number of terms of the Supreme Court and the times of holding the same shall be regulated by law. All terms shall be held at the Capital of the State.

Section 4 as amended in 1902 :

Sec. 4. The majority of the Justices of the Supreme Court shall constitute a quorum for the transaction of all business. But when there shall be six Justices of the Supreme Court, the court may hear and determine cases and exercise any of its powers when sitting either in a body or in two divisions, under such regulations as may be prescribed by law or by the rules of said court not inconsistent therewith. The concurrence of a majority of the members of the court sitting in any cause wherein the court shall sit as a body shall be necessary to a decision; and when any member of a division of the court shall dissent from the majority of such division on any question, such question shall be submitted to the court sitting in a body. The number of terms of the Supreme Court and the time of holding the same shall be regulated by law. All terms shall be held at the Capital of the State.

Sec. 5. The Supreme Court shall have appellate jurisdiction in all cases at law and in equity originating in circuit courts, and of appeals from the circuit courts in cases arising before judges of the county courts in matters pertaining to their probate jurisdiction and in the management of the estates of infants, and in cases of conviction of felony

in the criminal courts, and in all criminal cases originating in the circuit courts. The court shall have the power to issue writs of mandamus, certiorari, prohibition, quo warranto, habeas corpus, and also all writs necessary or proper to the complete exercise of its jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the State upon petition by, or on behalf of any person held in actual custody, and may make such writs returnable before himself or the Supreme Court, or any justice thereof, or before any circuit judge.

Sec. 6. The Legislature shall have power to prescribe regulations for calling into the Supreme Court a Judge of the Circuit Court to hear and determine any matters pending before the court in the place of any Justice thereof that shall be disqualified or disabled in such case from interest or other cause.

Sec. 7. The Supreme Court shall appoint a clerk who shall have his office at the Capital and shall be librarian of the Supreme Court Library.

Sec. 8. There shall be seven Circuit Judges, who shall be appointed by the Governor and confirmed by the Senate, and who shall hold their office for six years. The State shall be divided into seven Judicial Circuits, and one Judge shall be assigned to each Circuit. Such Judge shall hold at least two terms of his court in each county within his Circuit every year, at such times and places as shall be prescribed by law, and may hold special terms. The Governor may, in his discretion, order a temporary change of Circuits by the respective Judges, or order any Judge to hold one or more terms or parts of terms in any other Circuit than that to which he is assigned. The Judge shall reside in the Circuit of which he is Judge. Successors to the Judges of the Circuit Courts in office at the ratification of this Constitution shall be appointed and confirmed at the first session of the Legislature after such ratification.

Section 8 as amended in 1902 :

Sec. 8. There shall be eight Circuit Judges who shall be appointed by the Governor, and confirmed by the Senate, and who shall hold their office for six years.

The State shall be divided by the Legislature at its first regular session after the adoption of this section, into eight Judicial Circuits, and one Judge shall be assigned to each Circuit. Such Judge shall hold at least two terms of his court in each county within his circuit every year, and at such times and places as shall be prescribed by law, and may hold special terms.

The Governor may, in his discretion, order a temporary exchange of circuits by the respective judges, or order any judge to hold one or more terms or part or parts of any term in any other circuit than that to which he is assigned. The judge shall reside in the circuit of which he is judge.

This section shall not be operative until the Legislature shall have divided this State into eight circuits as hereinbefore provided for; and the seven circuit judges holding office at the time of such division shall continue to exercise jurisdiction over their several existing circuits as constituted at the time of such division until the judge of the additional circuit shall have qualified. The circuit judges holding office at the time of such division shall severally continue in office until the expiration of their then existing term of office as judges of the circuits respectively in which, under such division the county of his residence may be included; and a judge of the additional circuit shall be appointed for a term equal to the unexpired term of the other circuit judges upon such division being made. The salary of each circuit judge shall be two thousand seven hundred and fifty dollars.

Sec. 9. The salary of the Justices of the Supreme Court shall be three thousand dollars a year. The salary of each circuit judge shall be two thousand five hundred dollars a year.*

Sec. 10. Until otherwise defined by the Legislature

The First Judicial Circuit shall be composed of the counties of Escambia, Santa Rosa, Walton, Holmes, Washington and Jackson. **

The Second Judicial Circuit shall be composed of the counties of Gadsden, Liberty, Calhoun, Franklin, Leon, Wakulla and Jefferson.

The Third Judicial Circuit shall be composed of the counties of Madison, Taylor, Lafayette, Hamilton, Suwanee and Columbia.

The Fourth Judicial Circuit shall be composed of the counties of Nassau, Duval, Baker, Bradford Clay and St. Johns.

The Fifth Judicial Circuit shall be composed of the counties of Putnam, Alachua, Levy, Marion and Sumter.

The Sixth Judicial Circuit shall be composed of the

* Amendment to Sec. 8 affects salary of Judge.

** Legislature changed the Circuits in 1903. See note on this section.

counties of Hernando, Hillsborough, Manatee, Polk and Monroe.

The Seventh Judicial Circuit shall be composed of the counties of Volusia, Brevard, Orange and Dade.

Sec. 11. The Circuit Courts shall have exclusive original jurisdiction in all cases in equity, also in all cases at law not cognizable by inferior courts and in all cases involving the legality of any tax, assessment, or toll; of the action of ejectment, and of all actions involving the titles or boundaries of real estate, and of all criminal cases not cognizable by inferior courts; and original jurisdiction of actions of forcible entry, and unlawful detainer, and of such other matters as the Legislature may provide. They shall have final appellate jurisdiction in all civil and criminal cases arising in the county court, or before the county judge, and of all misdemeanors tried in criminal courts, of judgments or sentences of any mayor's court, and of all cases arising before justices of the peace in counties in which there is no county court, and supervision and appellate jurisdiction of matters arising before county judges pertaining to their probate jurisdiction, or to the estates and interests of minors, and of such other matters as the Legislature may provide. The circuit courts and judges shall have power to issue writs of mandamus, injunction, quo warranto, certiorari, prohibition, habeas corpus and all writs proper and necessary to the complete exercise of their jurisdiction.

Sec. 12. The Circuit Courts and Circuit Judges may have such extra territorial jurisdiction in chancery cases as may be prescribed by law.

Sec. 13. It shall be the duty of the judges of the Circuit Courts to report to the Attorney General at least thirty days before each session of the Legislature such defects in the laws as may have been brought to their attention, and to suggest such amendments or additional Legislation as may be deemed necessary. The Attorney General shall report to the Legislature at each session such legislation as he may deem advisable.

Sec. 14. A Circuit Judge may appoint in each county in his circuit one or more attorneys at law, to be Court Commissioners, who shall have power in the absence from the county of the Circuit Judge, to allow writs of injunction and to issue writs of habeas corpus, returnable before himself or the Circuit Judge. Their orders in such matters may be reviewed by the Circuit Judge, and confirmed, qualified or vacated. They may be removed by the Circuit Judge. The

Legislature may confer upon them further powers, not judicial, and shall fix their compensation.

Sec. 15. The Governor, by and with the consent of the Senate, shall appoint a State Attorney in each Judicial Circuit, whose duties shall be prescribed by law, and who shall hold office for four years. There shall be elected in each county a Sheriff, and a Clerk of the Circuit Court, who shall also be Clerk of the County Court, except in counties where there are criminal courts, and of the Board of County Commissioners, and Recorder and *ex-officio* Auditor of the county, each of whom shall hold office for four years. Their duties shall be prescribed by law.

Sec. 16. There shall be in each county a County Judge who shall be elected by the qualified electors of said county at the time and places of voting for other county officers and shall hold his office for four years. His compensation shall be provided for by law.

Sec. 17. The County Judge shall have original jurisdiction in all cases at law in which the demand or value of property involved shall not exceed one hundred dollars; of proceedings relating to the forcible entry or unlawful detention of lands and tenements; and of such criminal cases as the Legislature may prescribe. The County Judge shall have jurisdiction of the settlement of estates of decedents, and minors, to order the sale of real estate of decedents and minors, to take probate of wills, to grant letters testamentary and of administration and guardianship, and to discharge the duties usually pertaining to courts of probate. He shall have the power of a committing magistrate and shall issue all licenses required by law to be issued in the county.

Sec. 18. The Legislature may organize in such counties as it may think proper county courts which shall have jurisdiction of all cases at law in which the demand or value of the property involved shall not exceed five hundred dollars; of proceedings relating to the forcible entry or unlawful detention of lands and tenements, and of misdemeanors, and final appellate jurisdiction in civil cases arising in the courts of the justices of the peace.

The trial of such appeals may be *de novo* at the option of the appellant. The County Judge shall be the judge of said court.

There shall be elected by the qualified electors of said county at the time when the said judge is elected, a prosecuting attorney for said county, who shall hold office for

four years. His duties and compensation shall be prescribed by law. Such courts may be abolished at the pleasure of the Legislature.

Sec. 19. When any civil case at law in which the judge is disqualified shall be called for trial in a Circuit or County Court, the parties may agree upon an attorney at law, who shall be judge *ad litem*, and shall preside over the trial of and make orders in such cause as if he were judge of the court. The parties may, however, transfer the cause to another circuit court or county court, as the case may be, or may have the case submitted to a referee.

Sec. 20. Any civil cause may be tried before a practicing attorney as referee upon the application of the parties and an order from the court in whose jurisdiction the case may be, authorizing such trial and appointing such referee. The referee shall keep a complete record of the case, including the evidence taken, and such record shall be filed with the papers in the case in the office of the clerk; and the cause shall be subject to an appeal in the manner prescribed by law.

Sec. 21. The County Commissioners of each county shall divide it into as many justice districts not less than two, as they may deem necessary. There shall be elected one justice of the peace for each of the said districts. He shall hold office for four years.

Sec. 22. In each county where there is no County Court, as provided for in section eighteen of this Article, the Justices of the Peace shall have jurisdiction in cases at law in which the demand or value of the property involved does not exceed one hundred dollars, and in which the cause of action accrued, or the defendant resides, in his district; and in such criminal cases, except felonies, as may be prescribed by law; and in counties where County Courts are established, as provided for in section eighteen of this Article, every Justice of the Peace shall have jurisdiction in cases at law in which the demand or value of the property does not exceed fifty dollars, and in which the cause of action accrued, or the defendant resides, in his district; and he shall have power to issue process for the arrest of persons charged with crime, and to make the same returnable before himself or the County Judge, for examination, discharge, commitment or bail of the accused. Justices of the Peace shall have power to hold inquests of the dead. Appeals from Justice of the Peace Courts to Circuit Courts in criminal cases shall be tried *de novo* under such regulations as the Legislature may prescribe.

Section 22 as amended in 1896 :

Sec. 22. The Justices of the Peace shall have jurisdic-

tion in cases at law in which the demand or value of the property involved does not exceed \$100.00 and in which the cause of action accrued or the defendant resides in his district; and in such criminal cases, except felonies, as may be prescribed by law, and he shall have power to issue process for the arrest of all persons charged with felonies and misdemeanors not within his jurisdiction to try, and make the same returnable before himself or the county judge for examination, discharge, commitment or bail of the accused. Justices of the Peace shall have power to hold inquests of the dead. Appeal from Justices of the Peace courts in criminal cases may be tried *de novo* under such regulations as the Legislature may prescribe.

Sec. 23. A Constable shall be elected by the registered voters in each Justice's district, who shall perform such duties and under such regulations as may be prescribed by law.

Sec. 24. There shall be established in the county of Escambia, and upon application of a majority of the registered voters in such other counties as the Legislature may deem expedient, a Criminal Court of Record, and there shall be one Judge for each of said Courts, who shall be appointed by the Governor and confirmed by the Senate, who shall hold his office for four years, and whose salary shall be one thousand dollars a year, the counties paying the salaries.

Sec. 25. The said courts shall have jurisdiction of all criminal cases not capital which shall arise in said counties respectively.

Sec. 26. There shall be six terms of said courts in each year.

Sec. 27. There shall be for each of said courts a prosecuting attorney, who shall be appointed by the Governor and confirmed by the Senate, and who shall hold his office for four years. His compensation shall be fixed by law.

Sec. 28. All offences triable in said courts shall be prosecuted upon information under oath, to be filed by the prosecuting attorney, but the grand jury of the circuit court for the county in which said criminal court is held, may indict for offenses triable in the criminal court. Upon the finding of such indictment the circuit judge shall commit, or bail, the accused for trial, in the criminal court, which trial shall be upon information.

Sec. 29. The County Courts in counties where such Criminal Courts are established shall have no criminal jurisdiction and no Prosecuting Attorney.

Sec. 30. The Clerk of said Court shall be elected by the electors of the county in which the Court is held and shall hold office for four years, and his compensation shall be fixed by law. He shall also be Clerk of the County Court. The Sheriff of the County shall be the executive officer of said Court, and his duties and fees shall be fixed by law.

Sec. 31. The State Attorney residing in the county where such Court is held shall be eligible for appointment as County Solicitor for said county.

Sec. 32. Such courts may be abolished by the Legislature.

Sec. 33. When the office of any judge shall become vacant from any cause, the successor to fill such vacancy shall be appointed or elected only for the unexpired term of the judge whose death, resignation, retirement, or other cause created such vacancy.

Sec. 34. The Legislature may establish in incorporated towns and cities, courts for the punishment of offences against municipal ordinances.

Sec. 35. No courts other than those herein specified shall be established in this State.

Section 35 as amended in 1898 :

Sec. 35. No courts other than herein specified shall be established in this State, except that the Legislature may clothe any railroad commission with judicial powers in all matters connected with the functions of their office.

Sec. 36. All judicial officers in this State shall be conservators of the peace.

Sec. 37. The style of all process shall be "The State of Florida," and all prosecutions shall be conducted in the name and by authority of the State.

Sec. 38. The number of jurors for the trial of causes in any court may be fixed by law but shall not be less than six in any case.

ARTICLE VI.

Suffrage and Eligibility.

Section 1. Every male person of twenty-one years and upwards, that shall, at the time of registration, be a citizen of the United States, or that shall have declared his intention to become such in conformity to the laws of the United States, and that shall have resided and had his habitation, domicile, home and place of permanent abode in Florida for one year, and in the county for six months, shall in such county be deemed a qualified elector at all elections under this Constitution.

Section 1 as amended in 1894 :

Section 1. Every male person of the age of twenty-one years and upwards, that shall, at the time of registration, be a citizen of the United States, and that shall have resided and had his habitation, domicile, home and place of permanent abode in Florida for one year, and in the county for six months, shall in such county be deemed a qualified elector at all elections under this Constitution. Naturalized citizens of the United States at the time of and before registration shall produce to the registration officer his certificate of naturalization or a duly certified copy thereof.

Sec. 2. The Legislature, at its first session after the ratification of this Constitution, shall provide by law for the registration of all the legally qualified voters in each county and for the returns of elections; and shall also provide that after the completion, from time to time, of such registration, no person not duly registered according to law shall be allowed to vote.

Sec. 3. Every elector shall at the time of his registration take and subscribe to the following oath: "I do solemnly swear or affirm that I will protect and defend the Constitution of the United States and of the State of Florida; that I am twenty-one years of age, and have been a resident of the State of Florida for twelve months and of this county for six months, and I am qualified to vote under the Constitution and laws of the State of Florida."

Sec. 4. No person under guardianship, *non compos mentis* or insane shall be qualified to vote at any election, nor shall any person convicted of felony by a court of record be qualified to vote at any election unless restored to civil rights.

Sec. 5. The Legislature shall have power to, and shall, enact the necessary laws to exclude from every office of honor, power, trust or profit, civil or military, within the State, and from the right of suffrage, all persons convicted of bribery, perjury, larceny, or of infamous crime, or who shall make, or become directly or indirectly interested in, any bet or wager, the result of which shall depend upon any election; or that shall hereafter fight a duel or send or accept a challenge to fight, or that shall be a second to either party, or that shall be the bearer of such challenge or acceptance; but the legal disability shall not accrue until after the trial and conviction by due form of law.

Sec. 6. In all elections by the Legislature the vote shall be *viva voce*, and in all elections by the people the vote shall be by ballot.

Sec. 7. At any election at which a citizen or subject of any foreign country shall offer to vote under the provisions of this Constitution, he shall produce to the persons lawfully authorized to conduct and supervise such election a duly sealed and certified copy of his declaration of intention, and if unable to do so by reason that such copy cannot be obtained at the time of said election, he shall be allowed to make affidavit before a proper officer, setting forth the reason why he is unable to furnish such certificate, and if such affidavit prove satisfactory to the inspectors they shall allow said elector to cast his vote; and any naturalized citizen offering to vote shall, if so required by any elector, produce his certificate of naturalization or a duly certified copy thereof, and in the event that said elector cannot produce the same, he shall be allowed to make affidavit before a proper officer stating in full the reason why it cannot be furnished, and if satisfactory to the inspectors of said election such elector shall be allowed to vote.

Section 7 was repealed in 1894.

Sec. 8. The Legislature shall have power to make the payment of the capitation tax a prerequisite for voting, and all such taxes received shall go into the school fund.

Sec. 9. The Legislature shall enact such laws as will preserve the purity of the ballot given under this Constitution.

ARTICLE VII.

Census and Apportionment.

Section 1. The Senators representing the odd numbered districts, as said districts are now designated, whose terms have not expired, and those Senators representing even numbered districts, to be elected A. D. 1886, under the Constitution of 1868, shall be the first Senate under this Constitution, and the members of the Assembly to be elected A. D. 1886, shall be the first House of Representatives under this Constitution, and the Senate and House of Representatives thus constituted shall be the first Legislature under this Constitution, and the terms of office of each of the said Senators and members of the House of Representatives shall expire at the election for Senators and members of the House of Representatives A. D. 1888, and in that year a new Senate and House of Representatives shall be elected.

Sec. 2. The Legislatures that convene in the year 1889 and thereafter, shall consist of not more than thirty-two members of the Senate, and of not more than sixty-eight members of the House of Representatives. The members of the House of Representatives shall be elected

for terms of two years, and the members of the Senate shall be elected for terms of four years, except as hereafter provided, the elections for members of the Senate and House of Representatives to be held at the same time and places. The terms of Senators elected in 1888 from districts designated by even numbers, shall expire at the end of two years from that date, and thereafter all Senators shall be elected for four years, so that one-half of the whole number shall be elected biennially.

Section 2 as amended in 1896 :

Sec. 2. The Legislature shall consist of not more than thirty-two members of the Senate, and of not more than sixty-eight members of the House of Representatives. The members of the House of Representatives shall be elected for terms of two years, and the members of the Senate shall be elected for terms of four years, except as hereinafter provided. The elections for members of the House of Representatives and Senate shall be at the same time and places. The terms of office of the Senators elected in October A. D. 1896, shall expire on the first Tuesday after the first Monday in November A. D. 1900, and the terms of those elected in November A. D. 1898, shall expire on the first Tuesday after the first Monday in November A. D. 1902, and thereafter all Senators shall be elected for four years.

Sec. 3. The Legislature that shall meet A. D. 1887, and those that shall meet every ten years thereafter, shall apportion the representation in the Senate, the whole number of Senators not to exceed thirty-two members; and at the same time shall also apportion the representation in the House of Representatives, the whole number of Representatives not to exceed sixty-eight members. The representation in the House of Representatives shall be apportioned among the several counties as nearly as possible according to population; *Provided*, Each county shall have one representative at large in the House of Representatives, and no county shall have more than three Representatives.

Sec. 4. When any Senatorial District is composed of two or more counties, the counties of which such district consists shall not be entirely separated by any county belonging to another district. Any new county that may be created shall be entitled to one member in the House of Representatives until the next apportionment thereafter; and shall be assigned when created to one of the adjoining Senatorial Districts as shall be determined by the Legislature.

Section 4 as amended in 1900 :

Sec. 4. Where any Senatorial District is composed of two or more counties, the counties of which such district consists, shall not be entirely separated by any county, belonging to another district. Any new county that may be created, shall be entitled to one member in the House of Representatives in excess of the limit prescribed in Sec. 2 of this Article until the apportionment following next thereafter, and shall be assigned when created to one of the adjoining Senatorial districts as shall be determined by the Legislature.

Sec. 5. The Legislature shall provide for an enumeration of all the inhabitants of the State by counties for the year 1895, and every ten years thereafter.

ARTICLE VIII.

Counties and Cities.

Section 1. The State shall be divided into political divisions to be called counties.

Sec. 2. The several counties as they now exist are hereby recognized as the legal political divisions of the State.

Sec. 3. The Legislature shall have power to establish new counties, and to change county lines. Every newly established county shall be held liable for its proportion of the then existing liabilities of the county or counties from which it shall be formed, rated upon the basis of the assessed value of the property, both real and personal, subject to taxation within the territory taken from any county or counties; and every county acquiring additional territory from another county shall be held liable for its proportion of the liabilities of such other county existing at the time of such acquisition, to be rated upon the basis of the assessed value of all property subject to taxation within such acquired territory.

Sec. 4. The Legislature shall have no power to remove the county seat of any county, but shall provide by general law for such removal; *Provided*, That in the formation of new counties the county seat may be temporarily established by law,

Sec. 5. There shall be appointed by the Governor, by and with the consent of the Senate, in and for each county, five County Commissioners. Their terms of office shall be two years, and their powers, duties and compensation shall be prescribed by law. The Legislature shall provide for the division of each county into five districts, and one County Commissioner shall be selected from each of such districts

Section 5 as amended in 1900 :

Sec. 5. Immediately upon the ratification of this amendment the County Commissioners of the several counties of this State shall divide their respective counties into five commissioners' districts, to be numbered respectively from one to five inclusive, and each district shall be, as nearly as possible, equal in proportion to population, and thereafter there shall be in each of such districts a County Commissioner, who shall be elected by the qualified electors of said county, at the time and place of voting for other county officers and shall hold his office for two years. The powers, duties and compensation of such County Commissioners shall be prescribed by law; *Provided*, That nothing herein shall affect the terms of Commissioners holding office at the time of such division; *Provided, further*, That all vacancies occurring by limitations of terms, or from death, resignation or otherwise, before the election of 1902 shall be filled by appointment of the Governor as now provided by law.

Sec. 6. The Legislature shall provide for the election by the qualified electors in each county of the following county officers :

A clerk of the circuit court, a sheriff, constables, a county assessor of taxes, a tax collector, a county treasurer, a superintendent of public instruction, and a county surveyor.

The term of office of all county officers mentioned in this section shall be four years, except that of county assessor of taxes, county tax collector and county treasurer, who shall be elected for two years. Their powers, duties and compensation shall be prescribed by law.

Sec. 7. The Legislature shall by law authorize the County Commissioners of the several counties, where it is deemed necessary for assessment purposes, to divide their respective counties into taxation districts, and to appoint in and for each district an Assistant Assessor of Taxes, whose powers, duties and compensation shall be prescribed by law. All county officers, except Assistant Assessors of Taxes, shall, before entering upon the duties of their respective offices, be commissioned by the Governor; but no such commission shall issue to any such officer until he shall have filed with the Secretary of State a good and sufficient bond in such sum and upon such conditions as the

Legislature shall by law prescribe, approved by the County Commissioners of the county in which such officer resides, and by the Comptroller. No county officer shall become security upon the official bond of any other county officer. If any person elected or appointed to any county office shall fail to give bond and qualify within sixty days after his election, the said office shall become vacant.

Sec. 8. The Legislature shall have power to establish and to abolish municipalities, to provide for their government, to prescribe their jurisdiction and powers, and to alter or amend the same at any time. When any municipality shall be abolished, provision shall be made for the protection of its creditors.

ARTICLE IX.

Taxation and Finance.

Section 1. The Legislature shall provide for a uniform and equal rate of taxation, and shall prescribe such regulations as shall secure a just valuation of all property, both real and personal, excepting such property as may be exempted by law for municipal, educational, literary, scientific and religious or charitable purposes.

Sec. 2. The Legislature shall provide for raising revenue sufficient to defray the expenses of the State for each fiscal year, and also a sufficient sum to pay the principal and interest of the existing indebtedness of the State.

Sec. 3. No tax shall be levied except in pursuance of law.

Sec. 4. No money shall be drawn from the Treasury except in pursuance of appropriations made by law.

Sec. 5. The Legislature shall authorize the several counties and incorporated cities or towns in the State to assess and impose taxes for county and municipal purposes, and for no other purposes, and all property shall be taxed upon the principles established for State taxation. But the cities and incorporated towns shall make their own assessments for municipal purposes upon the property within their limits. The Legislature may also provide for levying a special capitation tax, and a tax on licenses. But the capitation tax shall not exceed one dollar a year and shall be applied exclusively to common school purposes.

Sec. 6. The Legislature shall have power to provide for issuing State bonds only for the purpose of repelling invasion or suppressing insurrection, or for the purpose of re-

deeming or refunding bonds already issued, at a lower rate of interest.

Sec. 7. No tax shall be levied for the benefit of any chartered company of the State, nor for paying interest on any bonds issued by such chartered companies, or by counties, or by corporations, for the above-mentioned purpose.

Sec. 8. No person or corporation shall be relieved by any court from payment of any tax that may be illegal or illegally or irregularly assessed, until he or it shall have paid such portion of his or its taxes as may be legal, and legally and regularly assessed.

Sec. 9. There shall be exempt from taxation property to the value of two hundred dollars to every widow that has a family dependent on her for support, and to every person that has lost a limb or been disabled in war or by misfortune.

Sec. 10. The credit of the State shall not be pledged or loaned to any individual, company, corporation or association; nor shall the State become a joint owner or stockholder in any company, association of corporation. The Legislature shall not authorize any county, city, borough, township or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to any corporation, association, institution or individual.

ARTICLE X.

Homestead and Exemptions.

Section 1. A homestead to the extent of one hundred and sixty acres of land, or the half of one acre within the limits of any incorporated city or town, owned by the head of a family residing in this State, together with one thousand dollars worth of personal property, and the improvements on the real estate, shall be exempt from forced sale under process of any court, and the real estate shall not be alienable without the joint consent of husband and wife, when that relation exists. But no property shall be exempt from sale for taxes or assessments, or for the payment of obligations contracted for the purchase of said property, or for the erection or repair of improvements on the real estate exempted, or for house, field or other labor performed on the same. The exemption herein provided for in a city or town shall not extend to more improvements or buildings than the residence and business house of the owner; and no judgment

or decree or execution shall be a lien upon exempted property except as provided in this Article.

Sec. 2. The exemptions provided for in section one shall inure to the widow and heirs of the party entitled to such exemption, and shall apply to all debts, except as specified in said section.

Sec. 3. The exemptions provided for in the Constitution of this State adopted in 1868 shall apply as to all debts contracted and judgments rendered since the adoption thereof and prior to the adoption of this Constitution.

Sec. 4. Nothing in this Article shall be construed to prevent the holder of a homestead from alienating his or her homestead so exempted by deed or mortgage duly executed by himself or herself, and by husband and wife, if such relation exists; nor if the holder be without children to prevent him or her from disposing of his or her homestead by will in a manner prescribed by law.

Sec. 5. No homestead provided for in section one shall be reduced in area on account of its being subsequently included within the limits of an incorporated city or town, without the consent of the owner.

Sec. 6. The Legislature shall enact such laws as may be necessary to enforce the provisions of this Article.

ARTICLE XI.

Married Women's Property.

Section 1. All property, real and personal, of a wife owned by her before marriage, or lawfully acquired afterward by gift, devise, bequest, descent, or purchase, shall be her separate property, and the same shall not be liable for the debts of her husband without her consent given by some instrument in writing executed according to the law respecting conveyances by married women.

Sec. 2. A married woman's separate real or personal property may be charged in equity and sold, or the uses, rents and profits thereof sequestrated for the purchase money thereof; or for money or thing due upon any agreement made by her in writing for the benefit of her separate property; or for the price of any property purchased by her, or for labor and material used with her knowledge or assent in the construction of buildings, or repairs, or improvements upon her property, or for agricultural or other labor bestowed thereon, with her knowledge and consent.

Sec. 3. The Legislature shall enact such laws as shall be necessary to carry into effect this Article.

ARTICLE XII.

Education.

Section 1. The Legislature shall provide for a uniform system of public free schools, and shall provide for the liberal maintenance of the same.

Sec. 2. There shall be a Superintendent of Public Instruction, whose duties shall be prescribed by law, and whose term of office shall be four years and until the election and qualification of his successor.

Sec. 3. The Governor, Secretary of State, Attorney-General, State Treasurer and State Superintendent of Public Instruction shall constitute a body corporate, to be known as the State Board of Education of Florida, of which the Governor shall be President, and the Superintendent of Public Instruction Secretary. This board shall have power to remove any subordinate school officer for cause, upon notice to the incumbent; and shall have the management and investment of all State School Funds under such regulations as may be prescribed by law, and such supervision of schools of higher grades as the law shall provide.

Sec. 4. The State School Fund, the interest of which shall be exclusively applied to the support and maintenance of public free schools, shall be derived from the following sources :

The proceeds of all lands that have been or may hereafter be granted to the State by the United States for public school purposes.

Donations to the State when the purpose is not specified.

Appropriations by the State.

The proceeds of escheated property or forfeitures.

Twenty-five per cent of the sales of public lands which are now or may hereafter be owned by the State.

Sec. 5. The principal of the State School Fund shall remain sacred and inviolate.

Sec. 6. A special tax of one mill on the dollar of all taxable property in the State, in addition to the other means provided, shall be levied and apportioned annually for the support and maintenance of public free schools.

Sec. 7. Provision shall be made by law for the distribution of the interest on the State School Fund and the special tax among the sev-

eral counties of the State in proportion to the number of children residing therein between the ages of six and twenty-one years

Section 7 as amended in 1894 :

Sec. 7. Provision shall be made by law for the apportionment and distribution of the interest on the State School Fund and all other means provided, including the special tax, for the support and maintenance of public free schools, among the several counties of the State in proportion to the average attendance upon schools in the said counties respectively.

Sec. 8. Each county shall be required to assess and collect annually for the support of public free schools therein, a tax of not less than three mills nor more than five mills on the dollar of all taxable property in the same.

Section 8 as amended in 1904 :

Sec. 8. Each county shall be required to assess and collect annually for the support of public free schools therein, a tax of not less than three (3) mills, nor more than seven (7) mills on the dollar, of all taxable property in the same.

Sec. 9. The County School Fund shall consist, in addition to the tax provided for in section eight of this Article, of the proportion of the interest of the State School Fund, and of the one mill State tax apportioned to the county; (the net proceeds of all fines collected under the penal laws of the State within the county;)*... all capitation taxes collected within the county; and shall be disbursed by the County Board of Public Instruction solely for the maintenance and support of public free schools

Sec. 10. The Legislature may provide for the division of any county or counties into convenient school districts; and for the election biennially of three school trustees, who shall hold their office for two years, and who shall have the supervision of all the schools within the district; and for the levying and collection of a district school tax, for the exclusive use of public free schools within the district, whenever a majority of the qualified electors thereof that pay a tax on real, or personal property, shall vote in favor of such levy; *Provided*, That any tax authorized by this section shall not exceed three mills on the dollar in any one year on the taxable property of the district.

*See Art. XVI, Sec. 9.

Sec. 11. Any incorporated town or city may constitute a School District. The fund raised by section ten may be expended in the district where levied for building or repairing school houses, for the purchase of school libraries and text-books, for salaries of teachers, or for other educational purposes, so that the distribution among all the schools of the district be equitable.

Sec. 12. White and colored children shall not be taught in the same school, but impartial provision shall be made for both.

Sec. 13. No law shall be enacted authorizing the diversion or the lending of any County or District School Funds, or the appropriation of any part of the permanent or available school fund to any other than school purposes; nor shall the same, or any part thereof, be appropriated to or used for the support of any sectarian school.

Sec. 14. The Legislature at its first session shall provide for the establishment, maintenance and management of such Normal Schools, not to exceed two, as the interests of public education may demand.

Sec. 15. The compensation of all county school officers shall be paid from the school fund of their respective counties, and all other county officers receiving stated salaries shall be paid from the general funds of their respective counties.

ARTICLE XIII

Public Institutions

Section 1. Institutions for the benefit of the insane, blind and deaf, and such other benevolent institutions as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be prescribed by law.

Sec. 2. A State Prison shall be established and maintained in such manner as may be prescribed by law. Provision may be made by law for the establishment and maintenance of a house of refuge for juvenile offenders; and the Legislature shall have power to establish a home and work-house for common vagrants.

Sec. 3. The respective counties of the State shall provide in the manner prescribed by law for those of the inhabitants that, by reason of age, infirmity or misfortune, may have claims upon the aid and sympathy of society.

Sec. 4. The first Legislature that convenes after the adoption of this Constitution shall enact the necessary laws to carry into effect the provisions of this Article

ARTICLE XIV

Militia.

Section 1. All able-bodied male inhabitants of the State, between the ages of eighteen and forty-five years, that are citizens of the United States, or have declared their intention to become citizens thereof, shall constitute the militia of the State; but no male citizen of whatever religious creed or opinion shall be exempt from military duty except upon such conditions as may be prescribed by law

Sec. 2. The Legislature may provide by law for organizing and disciplining the militia of the State, for the encouragement of volunteer corps, the safe-keeping of the public arms, and for a guard for the State Prison.

Sec. 3. The Governor, by and with the consent of the Senate, shall appoint two Major-Generals and four Brigadier Generals of Militia. They shall take rank according to the dates of their commissions. The officers and soldiers of the State Militia, when uniformed, shall wear the uniform prescribed for the United States Army; *Provided*, That volunteer companies may select their own uniforms.

Sec. 4. The Governor shall have power to call out the Militia to preserve the public peace, to execute the laws of the State, to suppress insurrection, or to repel invasion

ARTICLE XV.

Public Health

Section 1. The Legislature shall establish a State Board of Health and also County Boards of Health in all counties where it may be necessary.

Sec. 2. The State Board of Health shall have supervision of all matters relating to public health, with such duties, powers and responsibilities as may be prescribed by law.

Sec. 3. The County Boards of Health shall have such powers and be under the supervision of the State Board to such an extent as the Legislature may prescribe.

ARTICLE XVI.

Miscellaneous Provisions.

Section 1. The Seat of Government shall be at the City of Tallahassee, in the county of Leon.

Sec. 2. Each and every officer of this State, including the members of the Legislature, shall before entering upon the discharge of his official duties, take the following oath of office : I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States, and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of _____ on which I am now about to enter. So help me God.

Sec. 3. The salary of each officer shall be payable quarterly upon his own requisition.

Sec. 4. All county officers shall hold their respective offices, and keep their official books and records, at the county seats of their counties, and the Clerk and Sheriff shall either reside or have a sworn deputy within two miles of the county seat.

Sec. 5. The Legislature may provide for the donation of the public lands to actual settlers, but such donation shall not exceed eighty acres to any one person.

Sec. 6. The Legislature shall provide for the speedy publication and distribution of all laws it may enact. All decisions of the Supreme Court and all laws and judicial decisions shall be free for publication by any person. But no judgment of the Supreme Court shall take effect until the opinion of the Court in such case shall be filed with the clerk of said court.

Section 6 as amended in 1896:

Sec. 6. The Legislature shall provide for the speedy publication and distribution of all laws it may enact. Decisions of the supreme court, and all laws and judicial decisions shall be free for publication by any person. But no judgment of the supreme court shall take effect until the decision of the court in such case shall be filed with the clerk of said court :

Sec. 7. The Legislature shall not create any office, the term of which shall be longer than four years.

Sec. 8. A plurality of votes given at an election of officers shall constitute a choice when not otherwise provided by this Constitution.

Sec. 9. In all criminal cases prosecuted in the name of the State, where the defendant is insolvent or discharged, the State shall pay the legal costs and expenses, including the fees of officers, under such regulations as shall be prescribed by law.

Section 9 as amended in 1894:

Sec. 9. In all criminal cases prosecuted in the name of the State when the defendant is insolvent or discharged, the legal costs and expenses, including the fees of officers, shall be paid by the counties where the crime is committed, under such regulations as shall be prescribed by law; and all fines and forfeitures collected under the penal laws of the State shall be paid into the County Treasuries of the respective counties as a general county fund to be applied to such legal costs and expenses.

Sec. 10. The Governor, Supreme Court and all the administrative officers of the Executive Department, shall keep their offices at the Seat of Government. But in case of invasion or violent epidemics the Governor may direct that the offices of the Government be removed temporarily to some other place. The sessions of the Legislature may be adjourned for the same cause to some other place, but in case of such removal all the Departments of the Government shall be removed to one place. But such removal shall not continue longer than the necessity for the same shall continue.

Sec. 11. No extra compensation shall be made to any officer, agent, employe, or contractor after the service shall have been rendered, or the contract made; nor shall any money be appropriated or paid on any claim, the subject matter of which shall not have been provided for by pre-existing laws, unless such compensation or claim be allowed by bill passed by two-thirds of the members elected to each house of the Legislature.

Sec. 12. The present Seal of the State shall be and remain the Seal of the State of Florida; and the present State Emblem shall be and remain the Emblem of the State of Florida.

Section 12 as amended in 1900 :

Sec. 12. The present seal of the State shall remain the seal of the State of Florida. The State Flag shall be of the following proportions and description : Depth to be three-fourths length of fly. The Seal of the State, of diameter one-third the fly in the center of a white ground. Red bars,

in width one-eighth the length of fly extending from each corner toward the center, to outer rim of the seal.

Sec. 13. The sureties upon the official bonds of all the State officers shall be residents of, and have sufficient visible property unencumbered within the State not exempt from sale under legal process, to make good their bonds; and the sureties upon the official bonds of all county officers shall reside within the counties where such county officers reside, and have sufficient visible property therein unencumbered and not exempt from sale under legal process to make good their bonds.

Section 13 as amended in 1898 :

Sec. 13. The sureties upon the official bonds of all State, county and municipal officers shall be residents of, and have sufficient visible property unencumbered within the State, not exempt from sale under legal process, to make good their bonds; and the sureties upon the official bonds of all county and municipal officers shall reside within the county where their principals upon such bonds reside, and shall have sufficient visible and unencumbered property in such county, that is not exempt from sale under legal process to make good their liability on such bonds; *Provided*, That any duly organized and responsible guarantee or surety company, either foreign or domestic, lawfully doing business in this State, may become and be accepted as surety on all such official bonds.

Sec. 14. All State, county and municipal officers shall continue in office after the expiration of their official terms until their successors are duly qualified.

Sec. 15. No person holding or exercising the functions of any office under any foreign Government, under the Government of the United States, or under any other State, shall hold any office of honor or profit under the Government of this State; and no person shall hold, or perform the functions of, more than one office under the Government of this State at the same time; *Provided*, Notaries Public, militia officers, county school officers and Commissioners of Deeds may be elected or appointed to fill any legislative, executive or judicial office.

Sec. 16. The property of all corporations, except the property of a corporation which shall construct a ship, or barge canal across the peninsula of Florida, if the Legislature should so enact, whether heretofore or hereafter incorporated, shall be subject to taxation unless such property

be held and used exclusively for religious, scientific, municipal, educational, literary or charitable purposes.

Sec. 17. No person shall hold any office of trust or profit, under the laws of this State, without devoting his personal attention to the duties of the same.

Sec. 18. The Legislature shall provide for deductions from the salaries of public officers who neglect the performance of any duty assigned them by law.

Sec. 19. No Convention nor Legislature of this State shall act upon any amendment of the Constitution of the United States proposed by Congress to the several States, unless such Convention or Legislature shall have been elected after such amendment is submitted.

Sec. 20. The Governor and every State officer are hereby prohibited from giving certificates of election or other credentials to any person as having been elected to the House of Representatives of the United States Congress, or the United States Senate, who has not been five years a citizen of the State and ten years a citizen of the United States, and a qualified voter.

Sec. 21. Deeds and mortgages which have been proved for record and recorded according to law, shall be taken as *prima facie* evidence in the courts of this State without requiring proof of the execution. A certified copy of the record of any deed or mortgage that has been or shall be duly recorded according to law shall be admitted as *prima facie* evidence thereof, and of its due execution with like effect as the original duly proved; *Provided*, It be made to appear that the original is not within the custody or control of the party offering such copy.

Sec. 22. The Legislature shall provide for giving to mechanics and laborers an adequate lien on the subject matter of their labor.

Sec. 23. No soldier shall, in the time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

Sec. 24. All marriages between a white person and a negro, or between a white person and a person of negro descent to the fourth generation, inclusive, are hereby forever prohibited.

Sec. 25. The term felony, whenever it may occur in this Constitution or in the laws of the State, shall be construed to mean any criminal offence punishable with death or imprisonment in the State Penitentiary.

Sec. 26. The Legislature may make provision for the proper adjustment and settlement of the claim of the citizens of Ocala against the State for certain aid given by the town of Ocala for the establishment of the East Florida Seminary in 1852, and conditional upon its location at the said town.

Sec. 27. The Legislature shall appropriate at least five hundred dollars each year for the purchase of such books for the Supreme Court Library as the court may direct.

Sec. 28. The Legislature may provide for the drainage of the land of one person over or through that of another, upon just compensation therefor to the owner of the land over which such drainage is had.

Sec. 29. No private property nor right of way shall be appropriated to the use of any corporation or individual until full compensation therefor shall be first made to the owner, or first secured to him by deposit of money; which compensation, irrespective of any benefit from any improvement proposed by such corporation or individual, shall be ascertained by a jury of twelve men in a court of competent jurisdiction, as shall be prescribed by law.

Sec. 30. The Legislature is invested with full power to pass laws for the correction of abuses and to prevent unjust discrimination and excessive charges by persons and corporations engaged as common carriers in transporting persons and property, or performing other services of a public nature; and shall provide for enforcing such laws by adequate penalties or forfeitures.

Sec. 31. No railroad or other transportation company or common carrier in this State shall grant a free pass, or discount the fare paid by the public generally, to any member of the Legislature, or to any salaried officer of this State, and the Legislature shall prohibit the granting or receiving such free pass or fare at a discount, by suitable penalties.

ARTICLE XVII.

Amendments.

Section 1. Either branch of the Legislature, at a regular session thereof, may propose amendments to this Constitution; and if the same be agreed to by three-fifths of all the members elected to each House, such proposed amend-

ments shall be entered upon their respective Journals with the yeas and nays, and published in one newspaper in each county where a newspaper is published, for three months immediately preceding the next general election of Representatives, at which election the same shall be submitted to the electors of the State, for approval or rejection. If a majority of the electors voting upon the amendments at such election shall adopt the amendments, the same shall become a part of the Constitution. The proposed amendments shall be so submitted as to enable the electors to vote on each amendment separately.

Sec. 2. If at any time the Legislature, by a vote of two-thirds of all the members of both Houses, shall determine that a revision of this Constitution is necessary, such determination shall be entered upon their respective Journals, with the yeas and nays thereon. Notice of said action shall be published weekly in one newspaper in every county in which a newspaper is published, for three months preceding the next general election of Representatives and in those counties where no newspaper is published, notice shall be given by posting at the several polling precincts in such counties for six weeks next preceding said election. The electors at said election may vote for or against the revision in question. If a majority of the electors so voting be in favor of revision, the Legislature chosen at such election shall provide by law for a Convention to revise the Constitution, said Convention to be held within six months after the passage of such law. The Convention shall consist of a number equal to the membership of the House of Representatives, and shall be apportioned among the several counties in the same manner as members of said House.

ARTICLE XVIII.

Schedule.

Section 1. The Constitution adopted A. D. 1868, with amendments thereto, is declared to be superseded by this Constitution: But all rights, actions, claims and contracts, both as respects individuals and bodies corporate, shall continue to be as valid as if this Constitution had not been adopted. And all fines, taxes, penalties and forfeitures due and owing to the State of Florida under the Constitution of 1868, shall inure to the use of the State under this Constitution.

Sec. 2. All laws now in force not inconsistent with this Constitution shall continue in force until they shall expire by their own limitation, or be repealed by the Legislature.

Sec. 3. All persons holding any office or appointment at the ratification of this Constitution shall continue in the exercise of the duties thereof, according to their respective commissions or appointments, and until their successors are duly qualified, unless by this Constitution otherwise provided.

Sec. 4. Nothing contained in this Constitution shall operate to vacate the office of Lieutenant Governor until the expiration of his present term.

Sec. 5. All vacancies occurring by limitation of terms before the general election in 1888 shall be filled as provided for by law under the Constitution of 1868.

Sec. 6. The term of office for all appointees to fill vacancies in any of the elective offices under this Constitution shall extend only to the election and qualification of a successor at ensuing general election.

Sec. 7. In all cases of elections to fill vacancies in office such election shall be for the unexpired term.

Sec. 8. Upon the ratification of this Constitution the Commissioner of Lands and Immigration shall assume the office of Commissioner of Agriculture, and his duties as such shall be prescribed by the first Legislature assembled under this Constitution.

Sec. 9. A general election shall be held in each county in this State on the first Tuesday after the first Monday in November, A. D. 1888, and every two years thereafter, for all elective State and county officers, whose terms of office are about to expire, or for any office that shall have become vacant.

Section 9 as amended in 1890:

Sec. 9. A general election shall be held in each county in this State on the first Tuesday after the first Monday in October, A. D. 1892, and every two years thereafter, for all elective State and county officers whose terms of office are about to expire, or for any office that shall have become vacant.

Section 9 as re-amended in 1896 :

Sec. 9. A general election shall be held in each county in this State on the first Tuesday after the first Monday in November, A. D. 1898, and every two years thereafter, for all elective State and County officers, whose terms of office

are about to expire, or for any elective office that shall have become vacant.

Sec. 10. The first election for County Judge, Clerk of the Circuit Court, Sheriff, Tax Assessor, Tax Collector, **County Treasurer, County Superintendent of Public Instruction, County Surveyor, Justices of the Peace, Constables** and all other elective county officers shall be at the general election in 1888.

Sec. 11. It shall be the duty of the President of this Convention immediately on its adjournment to certify to the Governor a copy of this Constitution.

Sec. 12. Upon receipt of such certified copy the Governor shall forthwith announce the fact by proclamation, to be published in such newspapers in this State as may be deemed requisite for general information, and five printed copies of such Constitution shall be transmitted by the Secretary of State, to the Clerk of the Circuit Court, and five to the County Judge of each county, which shall be kept on file in their respective offices for examination by any person desiring the same.

Sec. 13. All courts as now organized and constituted shall continue with their jurisdiction until the Legislature shall conform to the requirements of this Constitution the jurisdiction of such courts as, under this Constitution, are to exercise in whole or in part the jurisdiction of Courts now organized.

Sec. 14. The terms of office of all county officers, unless otherwise provided, shall commence on the first Tuesday after the first Monday in January next after their election.

ARTICLE XIX.

Local Option.

Section 1. The Board of County Commissioners of each county in the State **not oftener than once in every two years**, upon the application of one-fourth of the registered voters of any county, shall call and provide for an election in the county in which application is made, to decide whether the sale of intoxicating liquors, wines or beer shall be prohibited therein, the question to be determined by a majority vote of those voting at the election called under this section, which election shall be conducted in the manner prescribed by law for holding general elections; *Provided, That* intoxicating liquors, either spirituous, vinous or malt, shall not be

sold in any election district in which a majority vote was cast against the same at the said election. Elections under this section shall be held within sixty days from the time of presenting said application but if any such election should thereby take place within sixty days of any State or National election, it shall be held within sixty days after any such State or National election.

Sec. 2. The Legislature shall provide necessary laws to carry out and enforce the provisions of section one of this Article.

ORDINANCES.

ORDINANCE NO. 1.

Section 1. This Constitution shall be submitted to the people of the State of Florida for ratification on the first Tuesday after the first Monday in November, A. D. 1886, and it shall require a majority of the votes cast upon the question to determine its ratification or rejection.

Sec. 2. At such election each qualified elector shall express his assent or dissent, by having written or printed upon the ticket which he shall vote the words, "For the Constitution," or "Against the Constitution," such election being subject to the same regulations and restrictions as are now prescribed by law. And in case of its ratification by the people, the Governor shall forthwith cause proclamation to be made of the fact, and it shall go into effect on the first day of January, A. D. 1887.

ORDINANCE NO. 2.

Section 1. Article XIX shall be submitted to the people, when the Constitution is submitted for ratification, to become a part of the Constitution, if adopted by a majority of the votes cast upon the question, and the ballots of those voting on this article shall have written or printed on them the words, "For Article XIX," or "Against Article XIX."

ORDINANCE NO. 3.

Be it Ordained by the People of Florida, Represented in Constitutional Convention :

Section 1. The pay of the members of this Constitutional Convention shall be a per diem for attendance of six (\$6.00) dollars a day in addition to mileage of ten cents a mile, each way, from their places of residence to the Capital and return estimated by the shortest thoroughfare.

Sec. 2. The pay of the Secretary and Assistant Secretary of the Convention and all the Clerks elected by the Convention shall be six (\$6.00) dollars per diem each, allowing the Secretary and Assistant Secretary one day after ad-

jourment to complete unfinished business; all Committee Clerks shall receive five (\$5.00) dollars per diem for the number of days certified by the chairman of the committee; the pay of the Sergeant at Arms shall be six (\$6.00 per diem, and the Assistant Sergeant at Arms shall be five (\$5.00) per diem; the pay of the Messengers of the Convention shall be four (\$4.00) dollars per diem each; the pay of the Door-keeper shall be five (\$5.00) per diem; the pay of the Pages shall be three (\$3.00) per diem each; the pay of the Janitor shall be two (\$2.00) per diem; the pay of the Chaplain shall be one hundred dollars. The Recording Clerk shall complete his work after the adjournment of the Convention, under the supervision of the Secretary of State, and shall be paid for the same fifty dollars when his work is completed. Eighteen dollars shall be paid W. R. Carter for services as Assistant Secretary for three days. Messrs. Dorr & Bowen shall be paid for printing the amount approved by the Committee on Printing, certified by the President and Secretary of the Convention.

Sec. 3. The Comptroller is required to draw his warrant on the Treasurer in favor of the officers and employees of this Convention for the full amount allowed them by section two, and to each delegate of this Convention for his pro rata share of the amount appropriated by the Legislature, after deducting from said amount the amount due said employees and all other expenses, including mileage of members, incurred by this Convention.

Sec. 4. The President is authorized on behalf of this Convention to issue certificates signed by himself and countersigned by the Secretary, to each of the members, payable to himself or his order, bearing interest at the rate of eight per cent. per annum from date, for the amount remaining due on account of the deficiency of the Legislative appropriation for expenses of this Convention.

Sec. 5. The Legislature shall make an appropriation at its next session to pay said certificates.

Sec. 6. Be it further ordained, That the Secretary of this Convention be and he is hereby authorized to audit the accounts of the members and all other expenses.

Done in open Convention, at Tallahassee, this 3d day of August, A. D. eighteen hundred and eighty-five, and of the independence of the United States the one hundredth and tenth year.

S. PASCO, President.

J. E. YONGE, First Vice-President,

WM. H. REYNOLDS, Secretary Convention.

W. M. Bennett,
James R. Challen,
Norman T. Scott,
Wm. A. Blount,
A. E. Maxwell,
E. M. Randall,
A. L. McCaskill,
W. H. Milton,
W. L. Hunter,
Obadiah Edge,
J. G. Speer.
R. F. Taylor,
John Westcott,
L. W. Bethel,
King Wylly,
William B. Randolph,
Jeremiah Fogarty,
E. C. Love,
John Crews Pelot,
John C. Richard,
Joseph M. Tolbert,
Lewis Wilson,
Wash M. Ives,
James F. McClellan,
J. E. Yonge,
George I. Davis,
W. T. Orman,
Wm. F. Thompson,
Hugh E. Miller,
Wm. R. Bush,
Robert F. Rogers,
Henry C. Hicks,
Jas. Wood Davidson,
William T. Weeks,
E. J. Lutterloh,
J. R. Herndon,
Wallace B. Carr,
J. M. Landrum,
B. J. Earle,
Irving Gillis,
George P. Fowler,
Jeff Alexis Hendley,
W. H. Cook,
John W. Tompkins,
Thomas E. Clarke,

A. D. McKinnon,
J. P. B. Goodbread,
B. D. Wadsworth,
Joseph H. Humphreys,
Theodore Randell,
B. F. Oliveros,
F. B. Genovar,
T. F. Swearingen,
S. B. Conover,
M. M. Blackburn,
Wm. N. Sheats,
Jas. P. Coker,
C. C. Wilson,
John Neel,
W. H. Hausman,
Philip Walter,
James B. Stone,
Alexander Bell,
Syd L. Carter,
John W. Malone,
S. J. Turnbull,
Wallace S. Jones,
R. C. Parkhill,
Thomas V. Gibbs,
E. C. F. Sanchez,
E. L. Odom,
H. C. Baker,
J. L. Morgan,
W. F. Green,
Angus Paterson,
John D. Broome,
Henry W. Chandler,
J. D. Goss,
Thomas N. Bell,
Charles W. Lewis,
H. L. Parker,
Paul Hatch,
W. B. Tedder,
Robert Henderson,
L. D. Carson,
A. L. Wellman,
John Parsons,
A. S. Mann,
Alex Zipperer,
H. H. Duncan,

Hannibal Rowe,	T. L. Clarke,
Robert Robinson,	John F. Marshall,
John B. Johnston,	W. A. Hocker.

STATE OF FLORIDA,
Office of Secretary of State.

I, JNO. L. CRAWFORD, Secretary of State, do hereby certify that the foregoing is a correct transcript of the original now on file in this office.

Given under my hand and the great seal of the State of
(Seal.) Florida, at Tallahassee, the Capital, this 4th
day of November, A. D. 1886.

JOHN L. CRAWFORD,
Secretary of State

NOTES UPON THE CONSTITUTION.

CHAPTER III.

PREAMBLE AND DECLARATION OF RIGHTS.

This recognition of the Supreme Being is found in several of the State Constitutions, but it is not contained in the federal Constitution. Strenuous efforts have been made to secure an amendment to the United States Constitution embodying a recognition of the Deity, but without success.

Civil rights are those rights which *all* members of society may claim, irrespective of age or sex. *Political rights* are the rights certain classes of citizens enjoy of participating in making the laws, holding office and otherwise having a direct voice in the government.

The right of protection from assault is a civil right. The right to vote is a political right. The right to sit in another person's parlor, or to ride in the same coach is neither a civil nor a political right.

DECLARATION OF RIGHTS.

SEC. I. The governing classes have generally tried to enlarge their privileges at the expense of the liberties of the people. The history of England presents a very instructive view of the struggles of the people against the encroachment of the king. The first great Bill of Rights was granted by Henry the First early in the twelfth century. This was

renewed and enlarged in the Great Charter (Magna Charta), an agreement which King John was forced to sign in 1215. It was again confirmed in plainer terms at the accession of William and Mary, 1688-9. The great Charter has been regarded as the foundation of English liberty. Its principles, and often its very words, are repeated in the Declaration of Rights found in many of the constitutions of modern States. The object of the declaration is to protect the individual against the government, though other things are often included.

Inalienable rights are those that cannot be sold or given away. The Constitution of Virginia says, "All men have certain inherent rights of which when they enter into a state of society, they cannot by any compact deprive or divest their posterity."

SEC. 2. The essence of democracy is contained in the first sentence. This statement is diametrically opposed to the "divine right of kings," which was much in vogue before the American and French Revolutions, and is still the foundation of some monarchical governments.

The second clause of the second sentence is of more recent origin. Many of the fathers of our republic did not hold that the allegiance of a citizen was due first to the federal government. Many held that the State had the first claim. On this issue volumes have been written and one great war has been fought. Whatever theories may be held, however, all now consent that the federal government shall have the first claim.

SEC. 3. *Trial by jury* in England originated in 1166. So important to liberty has this right been regarded that all the great charters of England, the

Constitution of the United States and the Constitution of every State in the Union contains the same guaranty. Trial by jury as it exists in Florida will be described on a later page.

SEC. 4. "*Sale, denial or delay*" is a phrase nearly seven hundred years old, being found in the Great Charter of 1215.

SEC. 5. It was once thought right to torture men and women in order to induce them to think on religious subjects as the majority thought or as the ruling class believed, and thousands have been put to death for their opinions on religion. Quite recently, too, the testimony of an atheist would not be admitted in a court of law. This clause of the Constitution gives the widest possible liberty.

Should a colony of pagans settle in Florida, and under the sanction of religion maim or kill human beings, the officers of the law would stop such practice.

SEC. 7. In some nations of Europe, men have languished in prison for forty years without being brought to trial and sometimes without knowing why they were arrested. The writ of *habeas corpus* is an order from a judge commanding a jailer or sheriff to bring his prisoner before the judge in order to inquire whether he has been legally imprisoned. If the judge finds that the prisoner has been legally confined, he sends him back to jail. Otherwise, he sets him free. The Latin word *habeas corpus* means "bring the body." A prisoner's lawyer or friends may demand this writ in behalf of the prisoner.

SEC. 8. When a person is arrested for some crime, it may be some weeks or months before he

can be tried. It would be a hardship to keep the accused in jail so long, especially as it may be ascertained on trial that he is not guilty of the offense for which he has been arrested. So he is taken before a magistrate who gives him a preliminary examination and in certain cases admits him to bail. That is, if other persons agree to see that, at the proper time, the accused comes in to court to be tried, or if he does not come in, these persons agree to pay such a sum of money as the magistrate may deem proper, the prisoner is set at liberty. Excessive bail must not be required, otherwise the accused may not be able to find friends rich enough to go on his bond. Many times the accused cannot find anybody to "go his bail" and so has to remain in jail until time for trial.

The only punishments that are used in this State are fine, imprisonment and death by hanging. Burning alive, mutilating the body, flogging, etc., would probably be considered both cruel and unusual. These punishments have been used extensively, and the whipping post still exists in at least one State.

SEC. 9. *Capital offenses* are those punishable by death. The only capital crime in this State is murder in the first degree. A man may be guilty of killing another person and yet not be guilty of a capital crime, as the circumstances under which the killing was done may justify or excuse the deed wholly or partially.

SEC. 10. *Felony* is any crime punishable by death or imprisonment in the State prison.

Before the opening of a term of court, the judge and the officers of his court choose by lot eighteen persons, to serve as a *Grand Jury*. These persons meet in secret session and inquire as to what crimes

have been committed. They have the aid of the State attorney and may compel witnesses to testify. When they find that there is evidence enough to make it probable that any certain person has committed a crime, they draw up a written accusation against him, and send it to the court. This accusation is called a *presentment* or *indictment* (*inditement*), and they have "found a true bill." The person indicted is then tried, or a time is appointed for his trial.

It is "otherwise provided" that in counties where criminal courts exist, the grand jury may be dispensed with, except in capital cases. All the trials in the criminal court are "by information." The county solicitor brings the accusation, instead of the grand jury. As the criminal court cannot try capital offenders, the grand jury is still needed when such offenses occur.

In cases of impeachment the most numerous branch of the State legislature brings the accusation, and the senate acts as the court. Impeachment proceedings will be explained on a later page.

In case of the militia, offenses are tried by courts martial.

SEC. 11. The student will note how many provisions are made to insure justice to the accused. In case the accused is not able to employ a lawyer to defend him, the judge will appoint some attorney to conduct the defense.

When Czolgoz was tried for the assassination of President McKinley, some of the most eminent lawyers of the State consented to see that no injustice was done him.

SEC. 12. A jury called a petit jury is empanelled unless the accused waives this right, which he

is not always allowed to do. A jury for trial or a person indicted for murder consists of twelve men. If the offense is not capital, six men constitute the jury. All the members of the jury must agree upon a verdict. If they cannot agree after a considerable time, the trial is not complete. The jury must be dismissed and the trial gone over again with a new set of jurors. But if the verdict is "not guilty," the accused cannot be tried again for the same offense.

Private property may be taken for public use by giving just compensation. This is called the right of *eminent domain* and belongs to every sovereign State. The State may take such property for its own use, as for public buildings, etc., or it may grant to corporations such as railroads, canal companies, etc., the right to take property necessary for their use. It must be shown that the property so taken is for *public use*. The "just compensation" is to be ascertained by carefully guarded measures provided by law.

SEC. 13. No doubt the liberty of speech and of the press has often degenerated into gross abuse of public men. Even Washington was outrageously vilified. In the administration of John Adams, the abuse became so general that the sedition and alien laws were passed. These measures, however, seemed undemocratic, and contributed to the downfall of the party to which Adams belonged. The reliance of public men must be upon the sense of fairness among the people and upon the truthfulness and dignity of the more influential journals.

SEC. 16. In ancient Rome debtors were imprisoned, sold, and sometimes cut to pieces and divided among the creditors. In England and in the United

States imprisonment for debt has been legal at some time.

SEC. 17. *A bill of attainder* is an act of the Legislature naming some person and condemning him to death or other punishment. Such acts are objectionable for at least two reasons. First, the law-making body should not act in a judicial capacity. The separation of the departments—legislative, executive and judicial—ought to be maintained. Second, the accused is not likely to have the protection and defense that is insured to him when he is tried by due process of law.

An ex post facto law is a law providing a penalty for an offense, *after* the offense has been committed, or making the penalty more severe than it was when the offense was committed.

The obligation of contracts would be impaired if the legislature should pass a law that all debtors might settle their debts at seventy-five cents on the dollar, or that interest accrued at that time should be cancelled.

SEC. 19. This clause is copied from the Ordinance of 1787, by which the Northwest Territory was organized out of the lands north of the Ohio River which the several States had ceded to the federal government. The entrance of this prohibition into our State Constitution dates from 1868, and was necessary in order to conform to the thirteenth amendment of the federal constitution.

SEC. 20. The legislature has provided that arms shall not be concealed about the person, and has made it necessary to obtain a license in order to carry a repeating rifle or pistol.

SEC. 21. The sentiment in our country has always been strong against a large standing army.

Such an army has often become a menace to liberty. The strict subordination of the military to the civil power is a fundamental doctrine of our government, State and federal.

SEC. 22. This refers to search for stolen goods, or for suspected persons who are hiding from the officers.

SEC. 23. Should another nation war against the government, and a citizen of Florida should give our enemies information injurious to us, or give them arms, ammunition or food except on compulsion, that citizen would be guilty of *treason*. But it would be treason against the United States.

If a band of armed men should attempt to overthrow the State government, such act would be treason.

But talking, writing or threatening do not constitute treason. There must be some open act, and two witnesses to the *same* open act are necessary to convict.

Corruption of blood is a term that was used to denote the fact that the property of a traitor could not be inherited by his children or other heirs. This is not allowed. Should the traitor be fined so that it required all his property to pay the fine, of course the heirs would get nothing, but if any property should be left, it would be inherited in the usual way.

In this State, the punishment for treason against the State is imprisonment for life at hard labor.

SEC. 24. This section is thrown in to guard the rights of the people from any oppression by the State.

QUESTIONS OF THE DECLARATION OF RIGHTS.

Note to Teacher. — Let the pupil give his answer to the question and then justify it by quoting the Article and Sec-

tion which apply, and reading the sentence which justifies his answer. Example:

Question — Can an atheist give testimony in a trial?

Answer — He can. Section 5 of the Declaration of Rights states that "*no person shall be rendered incompetent as a witness on account of his religious opinions.*"

QUESTIONS.

1. If a wind storm should destroy a church, would the Legislature be able to make an appropriation to rebuild it?
2. A sheriff having seen a reward offered for the apprehension of a criminal described in the advertisement, and seeing a man that he supposes to be the criminal, arrests him, and keeps him in custody for several days. Has the person any means of getting free?
3. A man is accused of murder. He is tried and acquitted. Afterward new evidence of his guilt is found. Can he be arrested again and tried?
4. Would a law prohibiting newspapers from publishing statements tending to bring into ridicule the Governor be constitutional?
5. If several persons should secretly agree to blow up the state house, and thus destroy the Governor and his Cabinet, would these conspirators be guilty of treason?
6. Can a subject of Edward VII. own land in Florida?
7. Can a man be arrested and imprisoned for not paying his debts?
8. Can a judge refuse to accept bail for a man accused of setting fire to a house?
9. Can a man force a negro to work out his indebtedness to him?
10. Is it constitutional to prohibit men from carrying pistols?
11. Since the Sisters of Charity maintain orphanages, would it be allowable for the Legislature to appropriate money to them?
12. Is there a Declaration of Rights in the United States Constitution. Look at the amendments.
13. Is there any paragraph in the Declaration of Independence that it is like the second section of the Declaration of Rights in the Florida Constitution?
14. What is the Democratic theory of government?
15. Can a Mohammedan practice his religion in this State? Was there religious liberty in Massachusetts in the colonial times?
16. What is the writ of *habeas corpus*?
17. Would it be constitutional for the Legislature to pass a law requiring the death penalty to be inflicted by electricity?
18. Can a man be compelled to testify against himself in a criminal case?
19. What is the difference between *slander* and *libel*? (See dictionary.)
20. What is a bill of attainder? An *ex post facto* law?

CHAPTER IV.

ARTICLE II — BOUNDARIES AND DISTRIBUTION OF POWERS.

Boundaries defined by natural configurations of the earth's surface, by rivers, mountain chains, etc., are always somewhat indefinite. The celebrated "Northeast Boundary" dispute between Great Britain and the United States, the Mexican Boundary Question, and the recent agitation over the Boundary of Alaska, are illustrations. Only two disputes have occurred concerning the Boundary of Florida. The first was between Florida and Alabama, and was settled in 1848 by adopting "Ellicott's Line" or the "Mound Line," which was surveyed and duly marked with mounds, placed one mile apart. The second was between Florida and Georgia, and was settled by approving the survey in 1861 made by B. F. Whitner, Jr., on the part of Florida, and G. J. Orr on the part of Georgia.

It is customary to consider that the boundary of a country which has a sea coast line lies three leagues seaward from the low water line. Disputes have arisen as to whether this line is to follow the windings of the coast, or to stretch from headland to headland across the mouths of bays, etc.

It has been stated that unless the headlands are less than ten miles apart, a straight line may be drawn, but in larger bays, the line must follow more closely the shore line. It is doubtful if this question has been settled satisfactorily.

Art. II. This division of the powers of government was first made in the Constitution of the United States, and was a notable advance on all previous

forms of government. In an absolute monarchy, all three powers are centered in the monarch. In proportion, as the people become free, the separation becomes more marked. Complete separation has not yet been attained, and perhaps ought not to be sought. For instance, the Governor, who is chief executive officer, participates in the making of laws by signing them, or by vetoing them. The legislative body exercises judicial functions when an officer is impeached. The Senate exercises executive powers when it confirms appointments made by the Governor.

QUESTIONS ON ARTICLES I AND II.

1. Bound Florida. What disputes have arisen with other States?
2. How far into the ocean does the State extend?
3. What are the three powers of government?
4. Is the separation of these powers an old one?
5. In Russia are the powers of government so separated?
6. Does our Governor exercise powers belonging to other departments?
7. What executive powers does the Senate exercise?
8. What is the most northerly point of Florida?
9. The most'south-erly?
10. What is a league?

CHAPTER V.

ARTICLE III — LEGISLATIVE DEPARTMENT.

1. The two houses of the Legislature are in imitation of the Federal Congress, which in turn corresponds to the British Parliament. In that body, the House of Lords and the House of Commons are found.

2. Biennial sessions of the Legislature are found in nearly all of the States. In only six of the States do the Legislatures meet annually. In one State,

Alabama, the sessions are quadrennial. It is an open question whether a session every four years would not be sufficient. The cost of holding a session of our Legislature is about (\$65,000.00) sixty-five thousand dollars.

The time fixed by the Constitution for the election of members of the Legislature has been changed twice from the time of the adoption of this Constitution. Until 1890 the elections were held in November. From 1890 to 1896 they were held in October. From 1896 to the present, they have been held in November. These changes necessitated previous changes in the Constitution. The first Tuesday after the first Monday in November is the time fixed by Congress for the election of representatives and presidential electors, and most of the States have adopted the same time for the election of State officers and members of the Legislature. Thus there is a general election in November of each even-numbered year.

4. Electors in this place means voters. The Legislature has the power to make the salary less than six dollars per day, but has not hitherto done so. Other States pay about the same amount, the per diem varying from three dollars in Kansas, Michigan and Oregon to eight dollars in Nevada and California. Some States pay by the year, term, or session, the highest being New York and Pennsylvania, which pay fifteen hundred dollars per annum.

5. This provision aims to prevent legislation in the personal interest of any member. As nearly two years must elapse before the term of office of any member will expire after any bill is passed, it is impossible for a legislator to secure the creation of a certain office and then be appointed to fill it.

6. Should any question arise whether any person who should present himself as a member of the Legislature at its opening had been duly elected, or was legally qualified to serve, the Senate, or the House, as the case might be, would investigate the subject and decide the case. Sometimes some other person appears, claiming that he was elected, or a protest may be sent in against seating a man. There are nearly always some questions of this kind before the Congress of the United States, and such occasionally appear in the Legislature of every State.

Besides the officers named as the presiding officers of the two houses, each house has other officers.

Thus in the Legislature of 1903 the Senate elected the following officers : Secretary, Assistant Secretary, Reading Secretary, Bill Secretary, Recording Secretary, Engrossing Secretary, Enrolling Secretary, Sergeant at Arms, Messenger, Doorkeeper, Chaplain, Janitor and three Pages.

Nearly the same officers were elected by the House of Representatives. The secretaries are called clerks.

None of the above officers are members of the bodies they serve.

7. A lucrative office is one which pays the incumbent a salary or fees. Some officers, as trustees of educational institutions for example, are not paid for their service, and hence are eligible to seats in the Legislature.

11. It sometimes occurs that members are not so punctual in their attendance on the sessions of the Legislature as they ought to be, and the House finds itself without the constitutional number necessary for the transaction of business. In such cases messengers may be sent after the absentees, or the Sergeant-at-Arms may bring them in.

12. Ordinarily, voting is done by acclamation. At the request of the presiding officer, all who favor

a motion cry out "aye;" afterwards those opposed cry out "no." The presiding officer decides according to the number of voices that seem to have been raised on each side. This is one mode of *viva voce* (by living voice) voting. If the presiding officer is unable to decide from the sound of the voices, or if his decision is doubted by any member, the presiding officer may request all who favor the motion to rise and stand until counted. After these have been counted, the opponents may rise and be counted.

Voting by "yeas and nays," however, is different. The roll is then called and each member answers "yea" or "nay," and his vote is recorded. Calling the roll consumes much time, and the constitutional provision which allows five members to require the roll call, puts it into the power of a small minority to delay the legislation greatly. Any tactics that are adopted to delay or impede legislation are called "filibustering." The call for the yeas and nays may not always be for the purpose of impeding legislation. It is often desirable that the people be informed of the votes of their representatives, so that the responsibility for his vote may be brought to each member.

13. Executive sessions may be held, when the Senate desires to transact business, which ought not for the present be made public. The discussion of nominations to office by the governor which require the confirmation of the Senate furnishes one example. The circuit judges, for instance, are appointed by the governor, and confirmed by the Senate. In discussing the merits of the nominee, some things might be said which would do no good, and perhaps much harm to publish. The seal of secrecy is

properly placed on such discussions. When the Senate goes into executive session the visitors retire.

As both houses must unite in passing laws, it is manifestly proper that their sessions should be held in the same town, and that both houses should be in session at the same time. The Senate may, however, be called in special session for executive business only, without the presence of the other branch of the Legislature.

14. A bill is a proposed law. As a bill, it is discussed, amended, and voted upon. But it is not a law until it has passed through all the stages named at the close of the chapter.

In the United States Congress, bills for raising revenue must originate in the House of Representatives. This is in accordance with the Constitution of England. No such restriction is found in our State Constitution.

16. This provision is made to prevent introducing some improper law, under cover of a good law. In the hurry and confusion which often attends legislation, this clause acts as a safeguard against improper enactments.

The process by which laws are made in accordance with the provisions of the Constitution are substantially as follows:

Introduction. — The order of business in each house provides a time each day, or at least on several days in each week, for the introduction of bills. At this time, the names of the counties in alphabetical order are called in the House of Representatives, and the Senatorial districts by number in the Senate, and members representing these divisions offer such bills as they wish to introduce. The bills are sent to the clerk's desk, and the clerk reads the title of the bill, and announces that this is the *first reading thereof*. It is competent for members to order the reading of any bill, but one-third of the members present must demand this, other-

wise it is read simply by its title. The bill is now placed on the Calendar for the second reading.

Second Reading. — On a day subsequent to the day of introduction, the bill is read a second time. This time, the reading is by sections; that is, the whole bill is read. This full reading, however, may be dispensed with, if two-thirds of the members so desire. At this second reading, any member may move that the bill be (1) sent to the Committee of the Whole House, or (2) be amended, or (3) be laid upon the table, or (4) be indefinitely postponed, or (5) be postponed to a certain day, or (6) be referred to a Standing Committee, or (7) be referred to a Special Committee. More bills are disposed of at this stage, by referring to one of the Standing Committees than in any other way.

In Committee. — The bills introduced are so numerous that it would be impossible for the whole house to give due consideration to more than a very small proportion of the whole number. So the labor of examining the bills is divided among *Standing Committees*. The number of Standing Committees varies, but in 1901, there were thirty-four, as follows:

Judiciary, Finance and Taxation, Commerce and Navigation, Constitutional Amendments, Mining and Phosphate, Public Printing, Engrossed Bills, Enrolled Bills, State Institutions, Public Lands, Militia and State Troops, Privileges and Elections, Education, Public Roads and Highways, Claims, Fisheries, Public Health, Rules, Unfinished Business, Journal, Legislative Expenses, City and County Organization, Agriculture, Immigration, Indian Affairs, Canals and Drainage, State Pensions, Appropriations, Game.

These committees meet when their respective houses are not in session. They discuss the bills referred to them, and report back to the house a portion of them. They may report that the bill pass, or that it do not pass, or they may report it without any recommendation. Many bills, however, are never heard of after reference to a Standing Committee. Only those which are of obvious importance or those which are strongly urged by their friends get beyond the committee room.

Engrossing. — When a bill has advanced to its third reading it must be engrossed; that is, it must be written out in a fair hand on good paper. This is done by the engrossing clerk.

Third Reading. — This must be by sections. At this time the bill cannot be committed or amended without the

consent of two-thirds of the members present. Discussion of the bill, however, is in order.

Vote on Passage. — The vote must be by yeas and nays. If passed by a majority of those present, the clerk certifies the fact on the bill, and sends it to the other house.

In the Other House. — The bill takes much the same course as in the house where it originated. It may be amended, however, and in that case, it goes back to the first house again. If passed by both houses, it is *Enrolled*; that is, it is written out in a fair hand on parchment. A joint committee on enrolled bills examines the work, to see if the enrolled bill is a correct copy of the bill which was passed. If found correct, the enrolled bill is signed first by the Speaker of the House of Representatives, and then by the President of the Senate, and by the Secretary of the Senate, and the Clerk of the House. The joint committee above named, then presents the bill to the *Governor*, who performs his duty according to Section 28. of Article III.

Many times, bills are passed under a suspension of the rules. The Constitution provides that by a vote of two-thirds of those present in either House, the bill may be read three times in the same day, and that by title only, except on its third reading.

18. This is designed to give time for the publication of the laws, so that an offender may not reasonably plead ignorance. In cases of emergency, however, the law may be made operative at once.

19. No department of government offers so much ground for suspicion of dishonest management, as the treasury. Publicity is demanded, both for the satisfaction of the taxpayer, and for the protection of the officers who receive and disburse the funds of the State.

20 and 21. The purpose of these provisions is economy of time and expense. By passing once for all, laws on these subjects, the application of these laws to special cases can be made by the county authorities.

22. The Legislature has not seen fit to provide any law by which the State may be sued. It has generally been alleged that sovereign States cannot be sued at law, and the only way by which a citizen can collect a claim against the State is by action of the Legislature for his relief. Congress has established a Court of Claims, where citizens can present their claims and have them examined. If the decision of this court is favorable to the claimant, a bill or resolution is introduced in Congress providing for its payment, but the *court* cannot enforce its decision.

24. 'The object of this section is economy, as in sections 20 and 21.

25. The framers of the Constitution desired to forestall any legislation by which a monopoly might be established with privileges injurious to free competition and oppressive to the people.

The project of a ship canal across the peninsula of Florida has always had advocates. Surveys have been made through the peninsula in several directions. Section 16, of Article XVI, provides for exemption from taxation of the property of a company which shall construct such a canal.

The Legislature of 1901, granted a charter to a company and declared that the exemption above named should apply to the property acquired by the said company.

The canal thus authorized, is to begin at some point between Amelia Island and Biscayne Bay, on the Atlantic, and terminate between Dead Man's Bay and Cape Roman, on the Gulf.

The work must begin before May 1, 1906, and must be completed by 1921. Ample powers and

ample compensation are granted to the company for the completion of the work.

The University of Florida will be alluded to on a later page.

26. Article VI, of this Constitution, provides more fully for the purity of the ballot, and the laws which have been passed on the subject will be explained when that article is reached.

28. The veto power of the Governor is another check on hasty, ill-advised legislation. It will be seen that the power to make laws still remains with the Legislature, but the veto procures a reconsideration of the law. Some States do not give the veto power to their Governor, but nearly all do so, in this following the Federal Constitution.

29. An impeachment is a formal accusation of wrong doing in office. The officers liable to impeachment are here stated. The administrative officers of the Executive Department are named in Article IV, Section 20.

When the House of Representatives has impeached an officer, a committee is appointed to conduct the trial before the Senate. The accused may employ an attorney to defend him. The Senate acts as a jury.

Should one of the officers named challenge some one to fight a duel, he would probably be impeached, and if convicted, would be removed from office. The criminal laws of the State would then punish him, as provided by the statutes against dueling. So any other grave offense might be punished by the courts in addition to the penalty awarded by the Senate. Section 34 of this Article was added as an amendment, in 1898.

30. This is to prevent the failure to pass the appropriation bills for the expenses of the State government. In the Federal Constitution, no provision of this kind exists, and often the appropriation bills are loaded with "riders" which sometimes are very objectionable. Thus the objectionable bills are passed for fear that the appropriation bills would fail.

31. Each State is entitled to two Senators in the United States Congress. The Congress prescribes how they shall be elected in the States. The law provides as follows:

On the second Tuesday after the organization of the Legislature, each House by itself votes for a person to be Senator. The voting is *viva voce*, the roll being called and each person naming a person for Senator. The votes are recorded in the journal. On the next day, the two Houses meet together, and the result of the previous day's vote is declared, as recorded in the journals. If it appears that the same person was voted for by a majority of members in each House, then such person is declared elected Senator. But if no person received a majority in both Houses, the Houses proceed to vote as one body. If no election occurs, the Houses must meet in joint assembly and take at least one vote each business day until an election is had, or the session closes.

Sometimes the contest is so close that no election results, and the State is deprived of its representation in the United States' Senate. The State of Delaware has recently remained for several years without representation in the Senate.

It would seem that the Governor might appoint a Senator to fill the vacancy, but probably such an

appointee would not be allowed to take his seat, as the United States Senate is to judge of the election, returns and qualifications of its members.

The terms of United States Senators expiring on March 4, and the Legislature of Florida not meeting until April, an interval exists sometimes, when we have only one Senator. The Governor could appoint a successor for that time, and if he should appoint the Senator whose term has just expired, it is likely that the Senate would seat him.

33. The laws contain what is known as a *statute of limitations*. If a man wishes to collect a debt by law, he must do so within a certain time after the debt becomes due. Suppose that Debtor owes Merchant for store goods. If Merchant does not bring suit before four years have passed, he will be barred from suing. Suppose he waits until nearly four years have elapsed, and then on attempting to sue finds that the law has been changed, so that *three* years is the limit within which suit can be brought. Merchant would feel that he had been wronged. This provision would entitle him to sue, even if the law had been changed.

Section 34 was added as an amendment to the Constitution in 1897-8.

SUMMARY.

The Legislature of Florida consists of two Houses, the Senate and the House of Representatives.

The Senate is composed of thirty-two members, elected for terms of four years. The elections are so arranged that about half are elected each two years at the general election in November.

Senators are elected by districts. Twenty-one of the counties are populous enough to constitute each a Senatorial district. The less populous counties are grouped in twos or threes to form districts. When a new county is formed it is attached to one of the districts already made until the next apportionment, which occurs every two years.

Anyone qualified to vote is eligible to the Senate, unless he already holds a lucrative office. The compensation of a Senator is fixed by the Legislature, but must not exceed six dollars a day. He is also allowed mileage at ten cents per mile.

The Senate elects one of its own body as President of the Senate; other officers are elected from non-members.

The Senate unites with the House of Representatives in the passing of laws. It has the sole power of trying impeachments, and unites with the Governor in the appointment of certain officers.

The House of Representatives consists of sixty-eight members, except when a new county is formed, when there may be for a short time more than sixty-eight members. Representatives are elected by counties, each county being entitled to one, and no county to have more than three. Representatives are elected for a term of two years, so that at each general election all the members are elected.

The conditions of eligibility and the compensation are the same as of a Senator.

The House elects from its own body a Speaker, and from non-members elects other officers.

The House co-operates with the Senate in passing laws. It has the sole power of impeachment.

The Legislature meets in regular session every two years on the first Tuesday after the first Monday in April and may continue in session for sixty days. Special sessions may be called by the Governor, but these sessions can continue only twenty days. In addition to ordinary legislation, the Legislature elects United States Senators to represent the State in Congress.

Practical Work. — Let each member of the class draw up a bill to be presented to the next Legislature on one of the following subjects:

1. To compel parents to send their children to school.
2. To prevent the killing of the birds commonly known as bull-bats.
3. To define the responsibility of the teacher of a public school for the conduct of children out of school hours.

QUESTIONS OF CHAPTER V.

1. How are the powers of government distributed? Show that this separation of powers is not complete.
2. What is the law-making body in Florida called? What body makes the laws for the whole United States?
3. Where and when are regular sessions held? How long may a regular session last? How long a special session? (See Article IV, Section 8).
4. When are members of the legislature elected? Will there be, or has there been, an election this year?
5. What qualifications are necessary for a Senator or a Representative? What compensation does each receive?
6. Who was President of the Senate at the last session? Who was Speaker of the House? Can you name the other officers of the last Legislature?
7. Can the postmaster of your town serve as a member of the Legislature?
8. What proportion of members constitutes a quorum?
9. Explain the manner of voting by yeas and nays. By ayes and noes.
10. How many members are required to force a vote by Yeas and nays? How may this power be abused?

11. What is an Executive Session?
12. What is a bill. How many times must it be read?
13. On its first reading, how may a bill be read? How must it be read if one-third of the members present demand it? How must a bill be read the second time? Can reading in this manner be dispensed with? How must a bill be read the third time? How must the final vote be taken?
14. How long after passage do laws become operative?
15. Name five cases in which the Legislature must not pass special laws. Give an example of a special or local law.
16. How can a claim against the State be collected?
17. State in full what agency the Governor has in the passage of laws, or in preventing their passage.
18. What is impeachment? What officers are liable to impeachment? What body impeaches? What officer presides at the trial? What penalty may be imposed by the Senate? Is the impeached party free from other prosecution?
19. Describe fully the proceedings in the election of the United States Senators.
20. When the Governor is under impeachment, who acts as Governor?

Question for Debate. — Resolved, That the compensation of the members of the Legislature ought to be increased.

CHAPTER VI.

ARTICLE IV — EXECUTIVE DEPARTMENT.

Sec. 2. The same person may be Governor as often as the people elect him, provided his terms of office are not consecutive. William H. Bloxham was Governor for two terms.

Sec. 3. Elector here means voter. The requirements of citizenship and residence for the times named are very reasonable. Most State Constitu-

tions make similar provisions. It will be seen later that the Speaker of the House or the President of the Senate may be called upon to take the place of the Governor, in case of the death, impeachment or other disability of the Governor.

4. Insurrections and mobs within the State, too powerful to be controlled by the sheriff of the county, may be quelled by the State militia. The Governor has command, although he would not generally take the field.

11. This section merely empowers the Governor to delay the execution of sentence. Many States give their Governor power to pardon the convicted criminal, but this power in Florida is lodged with the "pardoning board," as provided in Section 12. The Governor is thereby enabled to share with others the delicate and difficult task of deciding such matters.

12. The section as it now reads is an amendment to the original. The Board of Pardons formerly consisted of the Governor, Justices of the Supreme Court, and Attorney-General.

The law regulating the application for pardon requires the applicant to publish his intention to apply for pardon in the county where the crime was committed, so that anyone who wishes to oppose the granting of the pardon, may do so. Generally a numerously signed petition accompanies the application. The pardon, whether granted before or after the expiration of sentence, restores the pardoned criminal to "rights of citizenship."

15. The power of the Governor to remove officers is a very important part of the executive functions. Section 6 declares that the Governor shall take care that the laws be faithfully executed. This

he could not do without the power of removing unfaithful or incompetent officers. Fearlessness in the discharge of this duty is an important qualification of an executive.

16. The militia of the State is the subject of Article XIV, and will be considered in that place.

17. A large part of the business of the executive office is transacted by various boards, of each of which the Governor is a member. These boards as now constituted are as follows:

1. Board of Commissioners of State Institutions. Governor and all administrative officers. This board has charge of the Asylums, etc.

2. State Board of Education consists of the Governor, Secretary of State, Treasurer, Attorney General and Superintendent of Public Instruction.

3. Pardoning Board, consists of the Governor, Secretary of State, Attorney General, Comptroller and Commissioner of Agriculture.

4. Pension Board, includes the Governor, Comptroller and Attorney General.

5. State Finance Board, consists of the Governor, Comptroller and Treasurer.

6. Reform School Board.—Governor, Attorney General and Commissioner of Agriculture.

7.—Trustees of Internal Improvement Fund—Governor, Comptroller, Attorney General, Treasurer and Commissioner of Agriculture.

8. Capitol Improvement Commission. — Governor, Comptroller and three appointees.

9. Board of Railroad Assessors.—Comptroller, Treasurer and Attorney General.

The duties of these boards are indicated by their titles, but will be further specified later.

The State Institutions referred to in Section 17 are not the educational institutions of the State, but are the charitable and penal institutions. The Blind, Deaf and Dumb Asylums, the Insane Asylum, the Reform School and the penitentiary are intended.

Sec. 18. This provision differs from the similar one in the Federal Constitution. The President must either endorse all the provisions of the bill, or veto it entirely. When he gives his reasons for the veto, the objectionable feature may be named, and in many cases these features are changed or stricken out, and the bill repassed and again submitted to the President. It will be noticed that Section 18 names only appropriation bills.

29. In accordance with the authority conferred by the last clause of this section, the salaries of several of the State officers have been increased. In 1895, the salary of the Attorney-General was made (\$2,000.00) two thousand dollars, and in 1897, the salaries of the Secretary of State, Superintendent of Education, and Commissioner of Agriculture, were raised to (\$2,000.00) two thousand dollars each. By Legislature of 1903, the salary of each of the administrative officers was raised to (\$2,500.00) twenty-five hundred dollars per annum. Office expenses, and in some cases traveling expenses, are also provided for.

SUMMARY.

The Governor is elected for a term of four years. He cannot be re-elected at once. He must have been ten years a citizen of the United States, and five years a resident of Florida, and a qualified voter.

His duty is to see that the laws be faithfully executed. To this end he may suspend unfaithful or incompetent officers, and, with the co-operation of the Senate, remove them. In case of resistance to the laws, he may use all the military force of the State.

The Governor is assisted by the administrative officers, who are elected and installed at the same time as the Governor. These officers are Secretary of State, Attorney-General, Comptroller, Treasurer, Superintendent of Public Instruction, and Commissioner of Agriculture.

The salary of the Governor is three thousand five hundred dollars per annum. Each of the administrative officers receives two thousand five hundred dollars per annum.

QUESTIONS OF ARTICLE IV.

1. Who is at present the Governor of Florida?
2. What is the term of service of the Governor? Is he eligible for re-election?
3. What qualifications must the Governor possess?
4. In case the Governor dies in office, or is otherwise incapable of acting, what officer takes his place?
5. Name some of the duties of the Governor as given in the Constitution.
6. In extra session of the Legislature, can all kinds of business be transacted, as in regular session?
7. What power has the Governor in the adjournment of the Legislature?
8. In what cases can the Governor delay the execution of sentences passed by the courts, and with what limitations can he do so?
9. What officers constitute the pardoning board?
10. Can the Governor suspend a county superintendent for drunkenness or neglect of duty?
11. What are the State institutions referred to in Section 17?
12. Name the administrative officers of the State, and name the persons now holding those offices.
13. What are the duties of the Comptroller? Ought he to be a good book-keeper? And be an expert in arithmetic?
14. What salary does the Governor receive? What is the salary of the State Superintendent?
15. Ought the Governor to be eligible for re-election?

CHAPTER VII.

ARTICLE V — JUDICIARY DEPARTMENT.

2. This section is an amendment proposed in 1901 and ratified in 1902. The original section provided for three Justices of the Supreme Court. The volume of business coming before the court soon became too great to be disposed of promptly. The Legislature of 1901 authorized the court to call to its aid three commissioners who should act under the direction of the court until such time as the three additional justices contemplated in this section should be qualified. Three additional justices were duly appointed in 1902.

The Legislature of 1903, authorized by this amendment, provided that "*from and after the first Monday in June, 1905, the Supreme Court shall continue to consist of six Justices,*" and provided for their election.

3. The age of twenty-five years is considered early enough for a young man to aspire to a seat on the bench. At that age most men have much to learn in any of the great professions.

4. The power granted to the Supreme Court to sit in two divisions practically doubles the working capacity of the court. Ample provision is also made that doubtful cases shall be examined by the whole court.

Terms of the Supreme Court are held at Tallahassee beginning on the second Tuesday in January and the second Tuesday in June.

5. It is seen that the jurisdiction of the Supreme Court is almost entirely *appellate*; that is, this court re-examines cases that may be appealed to it from

lower courts. What cases may be appealed, is stated in the section itself. The writs which the court is expressly authorized to issue, however, call for original jurisdiction in some instances.

The writ of *Mandamus* is an order from the court requiring an *officer* to perform some official act.

Certiorari requires a lower court to send certified copies of certain records made in that court.

Prohibition forbids a *lower court* to take action in certain matters.

Quo Warranto commands an officer or a trustee to show by *what authority* he is acting in certain cases.

Habeas Corpus has been explained under Declaration of Rights, Section 7.

6. When the court consisted of three Justices, it was often necessary to call in a Circuit Judge. Under the new constitution of the court, it will be seldom necessary to do so. The law, however, prescribes minutely the regulations to be observed, should Circuit Judges be called in.

7. The library is a very important part of the equipment of the Supreme Court. Each year the legislative appropriation of (\$500.00) five hundred dollars is available for the purchase of books. Additions are made also from exchanges with the courts of other States, and from United States Courts. The reports of our Supreme Court are also sold in large numbers, and what profit may accrue from such sales is used for the library.

The salary of each Justice of the Supreme Court is three thousand dollars per annum.

The court holds its sessions in a room provided for that purpose, and suitably furnished in the Capitol building at Tallahassee. Adjacent to the Supreme Court room are rooms for the library, for the clerk, and for other officers of the court.

The officers of the Supreme Court are as follows:

Clerk and Librarian, Secretary to the Justices, Attorney General, who is the official reporter of the court; Sheriff, who is the sheriff of Leon county; Janitor and Messenger.

The salaries of these officers are as follows: Clerk and Librarian, about \$1,240 and fees; Attorney General, \$2,500; Secretary to Justices, \$1,800; Sheriff, \$2 per day when court sits, and fees; Janitor, \$900; Messenger, \$360.

8. This section is an amendment adopted in 1902.

Prior to that time, the number of Circuits was seven.

9. The latter part of Section 9 was changed by the adoption of the present Section 8, so that each Circuit Judge receives \$2750 per annum.

10. Pursuant to Section 8, the Legislature of 1903 "otherwise defined" the several Judicial Circuits as follows:

Sec. 2. That the First Judicial Circuit shall be composed of the counties of Santa Rosa, Escambia, Walton, Holmes, Washington and Jackson.

Sec. 3. That the Second Judicial Circuit shall be composed of the counties of Liberty, Calhoun, Franklin, Gadsden, Jefferson, Wakulla and Leon.

Sec. 4. That the Third Judicial Circuit shall be composed of the counties of Madison, Taylor, Lafayette, Hamilton, Suwannee and Columbia.

Sec. 5. That the Fourth Judicial Circuit shall be composed of the counties of Nassau, Duval, Clay and St. Johns.

Sec. 6. That the Fifth Judicial Circuit shall be composed of the counties of Marion, Citrus, Hernando, Sumter and Lake.

Sec. 7. That the Sixth Judicial Circuit shall be composed of the counties of DeSoto, Polk, Manatee, Pasco, Hillsborough, Lee and Monroe.

Sec. 8. That the Seventh Judicial Circuit shall be composed of the counties of Volusia, Brevard, Orange, Dade and Osceola.

Sec. 9. That the Eighth Judicial Circuit shall be composed of the counties of Alachua, Bradford, Levy, Putnam and Baker.

11. The court is said to have *original* jurisdiction when the first trial of a case may be had in this court. It has *exclusive original* jurisdiction, when the first trial of the case *must* be made in that court. After the trial, if either party is convinced that he has not received justice, he may generally appeal to a higher court. This court is said to have *appellate* jurisdiction.

Cases at law are cases that have been provided for by statutes passed by the Legislature. But the Legislature has not passed laws for all possible cases which may arise. In such cases the decision of the court must be based on *equity*, or even, substantial justice. *Cases at equity*, then, are cases not yet provided for by the statutes.

Final appellate jurisdiction means the power to decide beyond further legal controversy cases that have been appealed from lower courts. A case may be appealed from a County Judge to the Circuit Court, but it cannot be carried further, unless the case concerns the will of a deceased person, or the interest of minors and such matters.

There are some cases at law that are "not cognizable by inferior courts." For instance, a man cannot be tried for murder in a court lower than the

Circuit Court, nor can a man be sued for more than five hundred dollars in a lower court. The Circuit Court has original jurisdiction in these cases.

12. Chancery is about the same as equity, which has been explained.

13. A vast amount of legislation is attempted and a good deal accomplished at each session of the Legislature. But a small portion of it is suggested by the Judges or the Attorney-General. The Legislature contains many able lawyers, and many amendments to existing laws are proposed by them.

14. The Circuit Judge, having several counties in his circuit, needs some competent persons to act temporarily in urgent cases in his stead. For instance, a railroad company might be failing to build suitable culverts across a water-way, and a farmer might fear that his land would be injured, by the water which would accumulate. He might sue out an *injunction* to stop the work temporarily. This could be granted by the court commissioner. Afterwards, the Judge might make the injunction permanent or dissolve it, or take such other action as might seem proper and just. The compensation of the court commissioner is \$5.00 per day and certain fees.

15. We may now see the whole constitution of the Circuit Court. The jurisdiction of the court is extensive, and nearly all of the important cases, both civil and criminal, are tried in this court.

The *Judge* is appointed by the Governor, and confirmed by the Senate. His term of office is six years, and his compensation two thousand seven hundred and fifty dollars per annum. He holds two

terms of court in each county of his circuit each year. In his absence from any county urgent business may be done by a *Court Commissioner*, whose acts may be reviewed by the Judge, and confirmed or annulled by him. The duties of the Judge may be further lightened by allowing civil cases to be decided by a *referee* when both parties to the suit agree to such a course. Still another substitute for the Judge is named in Section 19. An attorney may try a single case where the Judge is disqualified. He is called Judge *ad litem*, which means *for the case*.

The *State Attorney* is appointed by the Governor and confirmed by the Senate. His term of office is four years. His compensation is largely by fees, and varies according to the amount of business done. The State Attorney accompanies the Judge on his circuit, and represents the State in all cases, civil and criminal. He also assists the grand jury in all its investigations.

The *Clerk* of the *Circuit Court* is elected by the voters of the county, for a term of four years and receives his compensation in fees as prescribed by law. His duties are sufficiently indicated in the title of his office. There are as many Clerks as counties.

The *Sheriff* is the executive officer of the Circuit Court. He is elected for four years by the voters of his county, and paid by fees. He must see that the orders of the court are obeyed. He summons witnesses, makes arrests, collects fines, imprisons convicts, and occasionally acts as hangman.

All of the above officers may have deputies.

16. We have seen the provisions made for the Supreme Court and for the Circuit Courts. Sec-

tions 16 and 17 relate to the third class of courts, viz.: *County Judges' Courts*. These courts are not the same as *County Courts*, which are the subject of Section 18. The jurisdiction of the County Judge's Court in civil cases is defined in this section. In criminal cases, it is the same as that of Justices of the Peace, but extends over the entire county. The County Judge cannot try cases in which the penalty may exceed five hundred dollars. He may, however, cause any supposed criminal to be arrested, and bind him over to a higher court for trial. The peculiar duties of the County Judge's Court are found in its *probate jurisdiction*. This covers the proving of wills, and the care and disposition of property left by a deceased person, and other like matters. The County Judge is paid by fees. The executive officer of this court is the Sheriff of the county. The Judge is authorized to appoint a Clerk.

The County Judge's Court, is a court of record; that is, permanent and formal record of its proceedings must be kept.

Sec. 18 gives us the fourth class of courts. These courts have been formed in several counties of the State, but, in most instances, have afterwards been abolished. The County Court has larger jurisdiction than the County Judge's Court, reaching to five hundred dollars in civil cases. In criminal cases its jurisdiction extends to all misdemeanors. A *misdemeanor* is a crime not punishable by death or imprisonment in the State Prison. All crimes that are so punishable are called *felonies*.

The Judge of the County Court is the County Judge. The Prosecuting Attorney has the same duties to this court that the State Attorney has in

the Circuit Court. The executive officer of the County Court is the Sheriff. The Clerk of the Circuit Court acts as the Clerk of the County Court.

21-23. These sections describe the lowest courts for which the Constitution provides. The Court of the Justice of the Peace is near to every home and place of business, and in it, all petty matters may be adjudicated. The jurisdiction of this court in civil cases is defined in Section 22. The jurisdiction of the Justice in criminal matters includes the following offenses: 1. All cases of larceny (theft), not charged as a second offense, when the value of the property stolen does not exceed twenty dollars. 2. All cases of assault or assault and battery, not committed riotously or upon an officer or with intention to commit greater crime. 3. All other offenses where the prescribed penalty is not greater than a fine of five hundred dollars or imprisonment in the county jail not more than six months.

The Justices of the Peace have power to cause the arrest of any person charged with any crime, and bind over such person to a higher court, and in default of bail, to commit to jail, to await the action of the next grand jury.

The executive officer of the Justice's Court is properly the Constable elected in his district, but the Sheriff or any other Constable may act, or the Justice may appoint any one not interested as a party to act as Constable.

The clause authorizing the Justice of the Peace to hold inquests makes him a *Coroner*. This authority is also given to the County Judge. The object of holding an inquest is to discover whether a crime has been committed. If a dead body is discovered, and no one seems to know how the person came to

his death, the suspicion may arise that a murder has been committed. The Justice, acting as Coroner, summons a jury, and views the body and takes testimony, and attempts to find out the cause of the death. The jury then brings in a verdict giving their opinion as to the cause of death, whether by disease, accident, suicide or murder, and if the latter, stating the name of the murderer, if he is discovered. It is necessary for the Coroner to act promptly, so that indications of violence or of poisons may still be fresh, if any such indications exist.

The Criminal Court was established to relieve the Circuit Courts and County Courts of much criminal business, which in the populous counties burdened the docket to the detriment of other classes of cases.

27. Notice that the Circuit Court has a *State Attorney* to represent the State in all criminal cases and in all civil cases, where the State may be a party. The County Court has a *Prosecuting Attorney* for the same purpose; and now the Criminal Court of Record has a *County Solicitor*, whose duty is similar to that of the other officers.

28. In the Circuit Court criminals are brought to notice of the court by the indictment made by the grand jury. In this court, there is no grand jury. When the County Solicitor is informed that any person is reported to have committed a crime, he has all persons who are likely to know anything about it brought before him, and if on inquiring, he thinks there is sufficient ground for charging the suspected person with the crime, he makes out a formal accusation against him. This he files with

the Clerk of the Criminal Court of Record, and upon such information, the accused is arrested and tried. The trial jury consists of six persons.

33. We have seen that the Justices of the Supreme Courts, the County Judges and the Justices of the Peace are elected by the people. The Circuit Judges, and the Judges of the Criminal Courts of Record, are appointed by the Governor. Should a Judge who is appointed by the Governor die, or resign, or otherwise vacate his office, the Governor would appoint a successor to hold the office for the unexpired term. If an elected Judge should vacate his office, the Governor would appoint his successor to hold office until the next general election, unless such election was very near, when probably no temporary appointment would be made. At this general election, the people would elect a Judge to fill the unexpired term of the Judge who had retired.

35. A Railroad Commission is provided for in Article XVI, Section 30, and will be explained in that place. This section, 35, confers upon that Commission certain judicial powers. The original Constitution was amended for that purpose in 1897-8, because it was found that the Commission could not properly enforce its decrees without such judicial powers. So we may add to the six other courts already enumerated, the Court of Railroad Commissioners.

37. In all criminal cases, the State assumes the duty of prosecuting the offender. No matter who has been injured, the State prosecutes.

38. In capital cases, that is, cases where if the accused is convicted, the penalty is death, twelve

men constitute the jury. In all other cases six jurors are chosen.

SUMMARY.

The judicial power of the State is exercised by a Supreme Court, Circuit Court, Criminal Courts of Record, County Courts, County Judges and Justices of the Peace. To these we must add the Municipal Courts and the judicial powers of the Railroad Commission.

The Supreme Court consists of six Justices, elected for terms of six years. One of these, chosen by lot, acts as Chief Justice. The sessions of this court are held at Tallahassee.

There are eight Circuit Courts and eight Judges. The Judges are appointed by the Governor and confirmed by the Senate, and hold office for six years. Two terms must be held in each county each year.

County Courts are established by the Legislature in such counties as it deems necessary. The County Judge is the Judge of the County Court, and is elected for a term of four years.

Criminal Courts of Record are established in such counties as may petition the Legislature to that effect. The Judge is appointed by the Governor and confirmed by the Senate.

The County Judge holds court for the trial of civil cases where the value in controversy does not exceed one hundred dollars, and in criminal cases where the penalty is not heavier than a fine of five hundred dollars or imprisonment in jail for six months. The County Judge has probate jurisdiction and issues all licenses.

The Justices of the Peace have nearly the same jurisdiction as the County Judge, but it is limited to cases arising in his *district*. Each county is divided into districts, not less than two, and a Justice of the Peace is elected for each district for a term of four years.

Municipal Courts are established in cities to punish offenses against the ordinances of the city. The Mayor presides.

The Railroad Commission has judicial powers to summon witnesses and enforce its decisions.

QUESTIONS ON THE JUDICIARY.

Name the classes of courts established. How many classes?

2. Of how many judges does the Supreme Court consist? What is the length of the term of office? Salary of each? Are they elected, or appointed? When? Where does the Supreme Court hold its sessions? When? What is meant by "*the court sitting in divisions*?" How is the chief justice selected? Who is the present chief justice? Name two other justices of the Supreme Court now in office.

3. What is meant by *appellate jurisdiction*? What is a writ of *habeas corpus*?

4. How many judicial circuits are there in Florida? In what circuit is your county? What other counties belong to the same circuit? Who is the Judge? How many terms in each year are held in each county? What officer accompanies the Judge on his circuit from county to county? What county officers are officers of the circuit court, when it is held in their county? What is the term of office of a circuit judge? What is his salary? Is he elected, or appointed?

5. Can a man sue in the county judge's court for \$300? Suppose a renter refuses to move from a farm which he has rented, in what court may the owner of the land bring suit? What are decedents? Minors? Probate of wills? Who is the county judge in your county?

6. *County Court*.—Observe that this is not the same as the above court, although the judge is the same. Is there a county court in every county? Is there in your county? Can a suit to recover \$600 be brought in this court? What

officer of this court is elected at the same time as the judge?

7. *Justices of the Peace.* — How many Justices of the Peace are there in your county? Name one. Can a justice try a case in which more than \$500 is in dispute? Can a Justice of the Peace try a man who has been accused? Can the Justice order the arrest of a man charged with murder? Can a Justice of the Peace try a merchant who is charged with selling cigarettes to boys less than eighteen years old? (Ans. Yes, for the penalty for that offense is less than \$500 fine, or six months in jail.) What is an "inquest of the dead?"

8. *Criminal Courts of Record.* — Is there a Criminal Court of Record in your County? Does the Criminal Court of Record have power to try a man accused of murder in the first degree? Can a civil cause involving property to the value of \$2,000 be tried in a Criminal Court? Is an indictment by a grand jury necessary to put a man on trial for burglary in this court?

9. *Judicial Power of Railroad Commissioners.* — How far does the power of the Railroad Commission extend when acting as a court?

10. *Municipal Courts.* — What is a Municipal Court? Can there be one in your town? Is there one in your county seat?

11. How many jurors must there be in the trial of any cause? How many are required by law in capital cases?

12. Of what court is the State Attorney an officer? Of what other court may he be an officer? Of what court is the Prosecuting Attorney an officer? The County Solicitor? The Constable? The Sheriff? The County Clerk?

Practical Work. — Organize a Justice of the Peace court and conduct the trial of a druggist for illegal sale of cigarettes.

CHAPTER VIII.

ARTICLE VI — SUFFRAGE AND ELIGIBILITY.

Section I of this article is an amendment made in 1893.

Persons born in a foreign country whose parents are not citizens of the United States, are *aliens*

until they have been *naturalized*. Congress has prescribed the way in which an alien may be naturalized. It consists of two steps. At any time after coming to this country, the foreigner may go before a judge, and take out his *first papers*. To do this, he must swear that he renounces all allegiance to any foreign power, and that he intends to become a citizen of the United States. The judge gives him a certificate that he has thus declared his intention.

After two years have elapsed, provided he has resided in the United States five years in all, he may take out his *second papers*, and is then a full citizen of the United States.

This Section 1, prior to the amendment, allowed a foreigner to vote after taking out his first papers, provided he was qualified in other respects. This amendment makes it necessary that the foreigner shall have become fully naturalized. Nearly one-third of the States accept the declaration of intention as sufficient.

2. The provisions made by law for the registration of voters, will be given under Section 9.

4. Persons may be under guardianship by reason of having allowed habits of intemperance, or gambling, or other forms of dissipation to gain such control over them that their relatives have had guardians appointed by law. This is frequently done to prevent the squandering of money, or the unwise disposal of other property. The term includes also prisoners in the county jails and the State prison.

Section 7 of the original Constitution was repealed in 1894.

8. The Legislature has made the payment of a poll tax of one dollar per annum a prerequisite for

voting. In 1902 there were assessed nearly 67,000 polls, of which only about 39,000 were collected. The school fund is the loser by the failure of the officers to collect the tax. All who vote, however, pay the tax, unless exempt.

Section 9. The Legislature has from time to time passed laws in pursuance of this section, and such laws occupy an important place in our statutes.

The importance of this Article requires a somewhat full statement of the provisions made by law to preserve the purity of the ballot.

The only way in which the great majority of citizens can have any direct influence in the government, is by voting. The right to vote, or, as it is called, the right of suffrage, is not considered a *natural right*. It has always been considered a privilege to be conferred by the government, or by the majority of the people, upon certain classes of persons.

The Constitution of the United States does not attempt to say, except in one case, who shall be allowed to vote, and who shall be excluded from that privilege. This has been left to the different States, to determine each for itself. The one exception is found in the Fifteenth Amendment to the Federal Constitution, which provides that the States shall not deny the suffrage to citizens of the United States on "account of race, color, or previous condition of servitude." This was, of course, intended to secure to the negro the right to vote.

A citizen is not thereby a voter. The Fourteenth Amendment to the Federal Constitution states who are to be regarded as citizens of the United States, and of the States in which they live, but the right to vote must be given by the law of the State.

It is conceded that the voter ought to be free to exercise his choice as to how he will vote, and the Constitution of the State declares that the "Legislature shall enact such laws as will preserve the purity of the ballot given under this Constitution."

The provisions made by law, may be considered under four topics.

1. Who may vote. 2. How nominations for office are made. 3. How elections are conducted. 4. How is the vote canvassed and declared.

1. Who may vote. The qualifications of a voter are as follows:

1. Men only can vote. In some States, women have the privilege of voting either on some questions or on all. In Florida, this is not the case.

2. Citizens of the United States only can vote. Persons born in foreign countries of foreign parentage must be fully naturalized.

3. Age limit. The voter must be twenty-one years of age.

4. Residence in the State one year is required.

5. Residence in the county six months is required.

6. Payment of poll tax for the two years preceding unless exempt, (a) because he is fifty-five years old, or (b) has lost a limb in battle, or (c) has just come of age, or (d) has not been in the state two years, (in this case, only one year's tax is required.)

7. Registration of name.

Excluded from Suffrage.—Men who would otherwise be entitled to vote, must be excluded, if they belong to any of the following classes:

1. Persons under guardianship, including prisoners. 2. Insane, idiotic, or feeble-minded persons. 3. Persons who have been convicted of felony, including bribery, perjury, larceny, other infamous crimes, betting on elections, taking part in a duel.

These qualifications and restrictions are mostly so plain as to need no explanation. The law for the registration of voters needs further consideration.

Election Districts and Officers of Registration.—The County Commissioners of each County have divided the County into election districts, varying in number and size, according to the size and population of the County, and with due regard to convenience of access.

A Supervisor of Registration for each County is appointed by the Governor every two years. This Supervisor appoints an officer of registration for each election district. Each district registration officer as well as the Supervisor of Registration, is provided with a book, in which to enter the names of voters, as they may apply for registration. These books are kept open, certain days in August and Sep-

tember of the election years, and due notice is given as to where the office may be found.

The Elector Registers.—He goes to the office of the district registration officer, and takes the following oath:

"I do solemnly swear, (or affirm), that I will protect and defend the Constitution of the United States and of the State of Florida. That I am twenty-one years of age, and have been a resident of the State of Florida for twelve months, and of this county for six months; that I am a citizen of the United States, and that I am qualified to vote under the Constitution and laws of the State of Florida."

If the candidate is a naturalized citizen, he must display his certificate of naturalization, and take oath that he is the person named therein.

The registration officer then issues to him a certificate of registration good for all future elections unless vitiated in some way, and his name is entered upon the books. His color, height and general appearance are also noted. The certificate of registration should be preserved, although it may not be necessary to produce it when offering to vote. It is the only documentary evidence that a man has to show that he is a full American citizen, endowed with the highest rights and prerogatives of a political freeman.

Lost Certificates.—Provision is made for the restoration of lost certificates, and for transfer from one election district to another in the same county. Persons going to another county must acquire a residence there, and register in that county.

Published List of Voters.—The books* in which voters were registered in the various election districts are returned to the Supervisor of Registration immediately after the second Saturday of the month preceding the election day. The supervisor then makes out new books for each district, arranging the names alphabetically, and including the names of voters already on the old books.

The County Commissioners must revise the old list by striking out the names of such voters as have died or removed, or become disqualified, and then the list of persons qualified to vote in each election district is published. This must be done, within fourteen days after the second Saturday of the month preceding the one in which the general election is to be held.

On the district registration books the supervisor shall mark the names of such persons as shall have paid poll tax

for two years and within the prescribed time. The list of such persons is furnished by the tax collector. When the time for election comes, these books thus marked are given to the officers who are to conduct the election in the several districts, and only those can vote whose names are found in these books and marked as above, or who have certificates from the Supervisor of Registration that they are exempt from the payment of poll tax.

It will be seen that these provisions for the registration of electors furnish a safeguard against fraudulent voting, and if carefully observed, do much to preserve the "purity of the ballot."

How the Nominations Are Made. — Persons who desire to be elected to office, and who think they can be elected, generally announce through the newspapers this desire, or they allow their friends to do so for them. Of course, they take other means to bring themselves to the favorable notice of the public. Sometimes they go from place to place addressing public meetings on the political issues of the day, and making acquaintances. They are yet, however, only candidates for the nomination at the hands of the party to which they belong. There are several ways in which they may become the recognized candidate of that party.

1. *The Convention System.* — By this system the first steps toward the nomination of officers are taken in the election districts of the various counties. The voters belonging to a certain political party are notified to meet on a certain day in their respective election districts, and elect delegates to a *County Convention*. The number of delegates to which any election district is entitled, depends upon the number of votes cast in that district for the party candidate at the last general election, and is a certain ratio of that number of votes.

The *County Convention* makes nominations for the county officers and elects delegates to the State convention of the party.

The names of the persons nominated for County officers are certified by the President and Secretary of the County convention to the board of County Commissioners, who will then place these names upon the official ballot to be voted for in the approaching election.

The names of persons nominated by the State convention for State officers are certified to the Secretary of State, who, in turn, informs the County Commissioners of each County and these names are placed upon the official ballot.

All political parties and all factions of any political party may make their nominations in this way, and so place the names of their candidates upon the ticket. Even any caucus or mass meeting of voters assembled without any previous action of the election districts may make nominations and certify them to the Secretary of State, or to the County Commissioners and thus be represented on the official ticket. In some States, this privilege is limited to parties, or to the factions of parties, which have cast at a previous election a certain per cent of the whole vote, but in Florida this is not necessary.

2. *Nomination by Petition of Electors.* — Any candidate for a county office may have his name placed upon the official ballot, by written request of twenty-five qualified electors filed with the County Commissioners. Any candidate for a State office may have his name placed upon the ticket by petition of five hundred electors.

3. *Primary Election System for Nominating Officers.* — The word primary is used in two different senses. Those small groups of electors, who assemble in the election districts to send delegates to the county conventions are sometimes said to hold a primary, and in these primaries the vote is often cast by ballot. Under the present heading, the word primary is taken in a larger sense.

The law provides that where the County or State committee of any political party so decides the nominations shall be made by primary elections. This committee prescribes the conditions and rules for such elections subject to the requirement that they shall be conducted as nearly as possible in same way that regular elections are held. The tickets are printed by the committee. The names are placed upon the tickets on request of the candidates; the expenses of the primary elections are assessed upon the candidates subject to the limitation that no candidate shall be required to advance more than five per cent of the salary attached to the office which he seeks.

Only recognized members of the political party calling such primary elections are allowed to vote thereat.

The result of this election is canvassed by the *County Committee* and the successful candidates are certified to the County Commissioners or to the Secretary of State, who will then cause their names to be placed upon the ballot to be voted for, at the general election following.

Each successful candidate must have received a *majority* of all the votes cast for candidates for that particular

office and if no person has received a majority of the votes cast for the candidates for that office, a *Second Primary Election* must be held within four weeks.

How the Election is Conducted.—General elections are held on the first Tuesday after the first Monday in November every two years. The *even* numbered years are election years.

At every general election, the following must be elected: County Assessors, County Collectors, County Treasurers, County Board of Public Instruction of three members, County Commissioners, Two Justices of the Supreme Court after 1904, three Representatives in Congress all the Representatives in the State Legislature.

About one-half of the State Senators, those from odd numbered districts being elected in *leap years* and the others at the alternate elections; Two Railroad Commissioners.

In all leap years, and only in such, are to be elected the following: Governor, Secretary of State, Comptroller, State Treasurer, State Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Clerks of Circuit Courts, County Judges, Sheriffs, County Superintendents of Public Instruction, County Surveyors, Electors of President, State Senators, as above. One railroad commissioner.

Special elections and municipal elections occur at other times.

The laws regulating elections are based upon the Australian Ballot System, the main principle of which is to secure secrecy of ballot, so that no one may know how anyone else may vote.

In each election district, a room has been prepared for carrying on the election. In one part of the room, the ballot box is placed in full view of all who enter. It is in charge of three *inspectors of election* and a clerk.

The inspectors have been appointed by the County Commissioners and must be "intelligent, discreet, and fair-minded," and must not belong to the same political party, and must be able to read and write the English language.

The ballot box when placed upon the table before the opening of the polls for voting, is found to be sealed and locked. The key is in a sealed envelope, in possession of the custodian, who brought the box from the room of the County Commissioners at the county seat. The box and key, being delivered to the inspectors, the box is opened in the presence of the inspectors and clerk, and is found to contain a num-

ber of official ballots, which have been placed there by the County Commissioners. These ballots are removed from the box, which is then to be closed and locked. The ballots have been printed with every precaution for secrecy, and the number in the box has been carefully counted, and a minute made thereof. All the ballots must be accounted for at the close of the election. On this ticket are printed the names of all the candidates for the offices which are to be filled at this election. All the candidates for Sheriff, for instance, are printed in one group without any indication as to what political party or what faction any candidate represents. The following is the form prescribed by law, except that the order in which the different offices may be placed is determined by the County Commissioners who order the tickets. The stub is for the purpose of preventing fraud. Before issuing a ballot to any elector, at least one of the inspectors shall write in his own hand his initials or name, on the stub :

Stubb.

.....
OFFICIAL BALLOT, ELECTION
A. D.

Precinct No.....County.

Make a Cross Mark (X) before the
Name of the Candidate of Your
Choice.

Vote for One—

For Governor :
WILLIAM S. JENNINGS.

R. A. CHENEY.

Vote for One—

For Secretary of State :
JOHN L. CRAWFORD.

WILLIAM D. BLOCK.

Vote for One—

For Representatives :
ROBERT W. DAVIS.

FRANK CLARK.

PETER HENDERSON.

The voter enters the polling place and approaches the inspectors. His name is called, and if it be found on the registration book, and it appears that he has paid his poll tax for two years, or is exempt therefrom, one of the inspectors hands him *one* of the printed ballots. He takes this ballot to one of the several stalls or booths, which have

been provided in the polling place. Here he finds pencil and pen and ink, and he marks a cross (X) *before and close to the* name of each candidate for whom he desires to vote. He is allowed five minutes, if necessary, to mark his ticket; he then folds the ticket so as to expose the stub but conceal the names, and hands it to the receiving inspector. This inspector detaches the stub and returns the ballot to the voter, who then deposits it in the ballot box, through a slit in the top of the box, and immediately retires from the polling place. The voter's name is checked on the registration book, and is also written down by the clerk on a poll list.

No person is allowed to loiter within fifteen feet of any window or door to the polling place, except the Sheriff, or his deputy, and these are not allowed to enter the polling place, except to vote, unless summoned in by a majority of the inspectors for the purpose of preserving order.

The greatest precaution is taken to maintain the secrecy of the ballot. Heavy penalties are prescribed for attempting to carry a ticket out of the polling place or for letting any one see the ballot, or for attempting to influence an elector or instruct him how to vote.

All necessary instructions are printed in large type and posted in and about the polling place.

Persons who are entitled to vote, but who are blind or so maimed that they cannot prepare their ballots, may have the clerical aid of the inspectors.

Canvassing the Vote. — Immediately upon the close of the election, which is at sundown, the inspectors and clerks open the ballot box and count the ballots that have been deposited. If there are more than there ought to be, according to the account that has been kept of the voters, a number of the folded ballots equal to the excess are taken at random from the ballots in the box and destroyed. The ballots are then opened one by one, and their contents read aloud, and tally is kept of all the votes cast for each candidate. This counting and reading of all the votes is called the canvass.

The inspectors and clerk at each voting place now make certificates in duplicate showing the result of the election in that precinct. One of these lists is taken to the Supervisor of Registration and the other to the County Judge.

On the sixth day after the election, or sooner, if possible, the Supervisor of Registration, the County Judge, and one of the County Commissioners meet as a County Canvassing Board. They open the certificates that have been

brought in from the various voting places and compile the result of the election throughout the county. They make certificates in duplicate of the result and record the same in a book to be kept by the Supervisor of Registration. The duplicates are sent to Tallahassee, one to the Secretary of State, and the other to the Governor.

On the thirty-fifth day after the election, or sooner, if the returns are all in, the Secretary of State, the Comptroller and the Attorney General, or any two of them with any other administrative officer of the executive department, meet as a State Canvassing Board. They proceed to canvass the returns from the different counties to ascertain what State officers, or members of the State Legislature, or Representative in Congress or Presidential electors have been chosen. They make certificates of the results of the canvass, record the same in the office of the Secretary of State, and publish the same in one or more newspapers at Tallahassee.

The election law above outlined, was passed in 1895 and amended in 1897 and 1903. It is difficult to see wherein it could be substantially improved. If its provisions are complied with, there is no opportunity for intimidation, or bribery. Elections held under this law have been as free from corruption as have the elections in any State of the Union.

To be an elector under the laws of the State is no small honor. Ours is a great country, and its greatness is increasing every year. We are now a *world-power* in a sense that was not true twenty-five years ago. Perhaps no nation is more powerful—certainly none is more prosperous. To participate in the government of such a country is a great honor. This the voter does when he casts his ballot. Every young man should promptly register as a voter as soon as he comes of age. He should pay his poll-tax, and attend the primaries and examine the political issues of the day and cast an intelligent and unbiased ballot. In this way he may help to preserve the purity of elections and to perpetuate free institutions.

Question for Debate.—Ought women to be allowed to vote?

SUFFRAGE AND ELIGIBILITY.

Who are legally qualified voters?

What steps must the voter take before he can exercise the right to vote. (He must be registered by the proper officers.)

What further requisite is necessary for most voters? (Section 8.)

Name several classes of persons who are deprived of the right of suffrage by Sections 4 and 5.

Can a non-voter hold office?

What must a man swear to at the time of registration?

Can inmates of the poorhouse vote?

What is the object of the Australian Ballot System of voting? Describe the process of voting by this system.

What three methods have been in use to nominate State officers? Describe the first of these.

How are nominations in this State now made by the democratic party?

In case no candidate has more votes in the primary than all other candidates for the same office, what is done?

How are the expenses of the primaries and the election defrayed?

What is the third way by which a candidate for a State office can be nominated?

When do general elections occur?

Who constitute the County Canvassing Board? What is their duty?

Who constitute the State Canvassing Board? What is their duty?

CHAPTER IX.

ARTICLE VII — CENSUS AND APPORTIONMENT.

1. The Senatorial Districts referred to are as follows: 1, Santa Rosa; 2, Escambia; 3, Walton and Holmes; 4, Jackson; 5, Liberty, Franklin and Wakulla; 6, Gadsden; 7, Polk, 8, Leon; 9, Hernando, Pasco and Citrus; 10, Madison; 11, Hillsborough; 12, Taylor and Lafayette; 13, Dade and Brevard; 14, Columbia; 15, Bradford; 16, Nassau; 17, Suwannee; 18, Duval; 19, Orange and Osceola; 20, Marion and Sumter; 21, Levy; 22, Jefferson; 23, Lake; 24, Monroe and Lee; 25, Washington and Calhoun; 26, Putnam; 27, Manatee and DeSoto; 28, Volusia; 29, Clay and Baker; 30, Hamilton; 31, St. Johns; 32, Alachua.

2. Section 2 was amended indirectly by the adoption of the amendment to Section 4, by which the number of representatives may sometimes exceed sixty-eight.

3. A representative "at large" is one for whom the people of all parts of the county vote, as distinguished from one who is elected by district, or part of a county. The term is a general one, and is in constant use, in regard to representatives in Congress, which are mostly elected by districts, while in some States, a representative "at large" is also elected.

The Legislature of 1887 apportioned the representatives to the several counties as given below. The Legislature of 1897 made no change.

By act of June 7, 1887, the counties of the State are entitled to representation as follows:

Alachua 2, Baker 1, Bradford 2, Brevard 1, Calhoun 1, Clay 1, Columbia 2, Dade 1, DeSoto 1, Duval 2, Escambia 2, Franklin 1, Gadsden 2, Hamilton 2, Hernando 1, Hillsborough 2, Holmes 1, Jackson 2, Jefferson 2, Lafayette 1, Lake 2, Lee 1, Leon 2, Levy 1, Liberty 1, Madison 2, Manatee 1, Marion 2, Monroe 2, Nassau 2, Orange 2, Osceola 1, Polk 2, Putnam 2, St. Johns 2, Santa Rosa 2, Sumter 1, Suwannee 2, Taylor 1, Volusia 2, Wakulla 1, Walton 1, Washington 1, Pasco 1, Citrus 1.

4. This Section as it now appears is slightly different from the original form, the words "*in excess of the limit prescribed in Section 2 of this Article until the apportionment following next thereafter,*" having been inserted by an amendment in 1900. As Section 2 fixes sixty-eight as the total number of representatives, a new county would, without this amendment, be without representation until a new apportionment should be made.

5. The Legislature provided for the census in 1895. The Commissioner of Agriculture was instructed and authorized to prepare blanks and appoint the enumerators. The returns included the number of persons classified as to color and sex. Statistics relating to farms, gardens, orchards, mines and factories were also included. The expense of this census was about \$17,000.

The federal census is taken every ten years also. This enumeration falls midway between the years of the State census. The last federal census was in 1900.

ARTICLE VIII — COUNTIES AND CITIES.

Section 1. The county is thus made the unit of political organization. In many of the Northern

and Western States a smaller unit, called the township or town, exists as the primary unit. The State of Iowa, for instance, has townships within the counties, and each township has officers and performs the functions of a government. In some States, Illinois for example, the two systems exist in different parts of the State. That is, there is local option as to whether the township organization shall exist within the county lines or not. Florida, in common with all the other Southern States, has organized on the county system.

3. At the time of the admission of the State into the Union in 1845, the following twenty-six counties were recognized:

Alachua, Benton, Columbia, Calhoun, Dade, Duval, Escambia, Franklin, Gadsden, Hamilton, Hillsborough, Jackson, Jefferson, Leon, Levy, Madison, Marion, Monroe, Nassau, Orange, Santa Rosa, St. Lucie, St. Johns, Wakulla, Walton, Washington.

By changing the names of some, and erecting new counties from parts of others, the number of counties at the adoption of the present Constitution was made thirty-nine. The Legislature of 1887 created the counties of Osceola, Lee, DeSoto, Lake, Pasco and Citrus, making the number forty-five, as they now exist (1904).

4. The change of the county seat from one town to another is accomplished by a vote of the electors of the county. Bitter dissensions often arise from an attempt to make a change. Generally, the largest town is the county seat, but as the county develops, some other town may outgrow the county seat, and then the change is apt to be advocated and often attempted.

5. The County Commissioners, until 1900, were appointed by the Governor.

6. The duties of the Clerk of the Court are of three classes. First, he is Clerk of the Circuit Court; also of the County Court, where one exists in his county. In this capacity he is present at the sessions of these courts, and has custody of all papers filed in them.

Second, the Clerk is Recorder of Deeds, etc. It is necessary that all deeds of property sold by one person to another be recorded permanently at the county seat. Also, where a man has given a mortgage on his property to secure a debt, a record must be made.

Divers other papers must also be recorded. These duties fall to the Clerk.

3. The Clerk of the Court is also the Clerk of the Board of County Commissioners, which is the legislative body of the county.

The compensation of the Clerk for services as Clerk of the Court and as Recorder is by fees, and varies with the amount of business. His compensation as Clerk of the Board of County Commissioners is determined by that board from time to time.

The Sheriff is the executive officer of the county. His duties are with the enforcement of the laws and the care of prisoners. In case of mobs and insurrections, his duties become delicate and onerous. The compensation of the Sheriff is by fees, and varies greatly from county to county, and from year to year.

Constables have duties similar to those of the Sheriff, but within the limits of the district of a Justice of the Peace.

The County Assessor of Taxes estimates the value of the property in the county and computes the amount that each property owner must pay.

The Tax Collector and the Treasurer collect, take care of, and pay out the money of the county. These officers are paid by percentages on the amount of money collected and disbursed.

The county surveyor determines the boundaries and contents of pieces of land, when employed to do so, and keeps a record of such surveys. He is paid by the parties interested.

The County Superintendent has charge of the schools of the county, and is Clerk of the Board of Public Instruction of the county. He conducts examinations of teachers as provided by law. The duties of the County Superintendent will more fully appear in studying Article XIII. The compensation of the County Superintendent is fixed by the County Board of Public Instruction.

The terms of office of the Assessor, Collector and Treasurer were made two years, instead of four, because it is thought that those who have charge of the public funds should be called to account for the same at frequent intervals. This was considered an advantage to the officer, as well as to the public.

7. The largest bond required is that of the Treasurer. This may not exceed the entire sum levied for taxes, for the preceding year, and may not be less than one-half that sum. The law supposes that citizens of the county will bind themselves in behalf of the county officers, and in fact, this is done. The amendment to Section 13, of Article XVI, permits the bond to be guaranteed by

duly organized and responsible guaranty or surety companies, which have qualified to do business in Florida.

Municipalities in this State are either towns or cities. When a number of citizens have established their homes near to each other, and desire to enjoy the advantages of a town or city government, they may do so in the following way :

They must give thirty days' notice of a public meeting to be held at a certain time and place, for the purpose of forming a municipality. When the meeting assembles, it must appear that within the limits of the proposed town or city there are at least thirty-eight qualified and registered voters, and that at least twenty-five of such voters are present. If these conditions are met, the meeting may proceed to organize the municipality by choosing a Mayor and from five to nine Aldermen, who shall be the town or city council. They must also choose a Clerk and a Marshal. The area included must be described by metes and bounds.

If it shall appear that there are three hundred registered voters within the designated limits, the municipality is a city. If less than three hundred, *a town*.

The town or city thus incorporated may provide for the election of a Tax Assessor, a Tax Collector and a Treasurer.

The powers of the municipality extend to various matters pertaining to water-works, fire-protection, street paving, and lighting, keeping order, and providing generally for the convenience and welfare of the citizens. The laws passed by the city or town council are called ordinances.

The above are the provisions of the general law for the establishment of municipalities. Most of the cities of the State are incorporated by special acts of the Legislature, and the law which defines the powers and duties of the municipality is called its Charter.

QUESTIONS ON ARTICLE VII.

How many State Senators are there?

How many Representatives?

Can the number of Representatives be greater under any circumstances?

Who is the Senator from your County?

Name the Representative, or Representatives, from your County?

Are all the Senators elected at the same time?

Are all the Representatives?

Can a Senatorial district be divided by Counties belonging to another district?

When was the last State census? When will the next one be made?

When was the last Federal census taken? What was the population of Florida then found to be?

About how much does it cost to take a census by the State authorities?

QUESTIONS ON ARTICLE VIII.

What is the unit of political organization in this State?

Is that true in all States? Are these divisions called counties in every State?

In general, where are townships found as units of government?

How many counties existed when Florida became a state?

How many were there, when the Constitution was adopted.

Name the last six counties organized. When were these counties made?

Name the officers of a county.

Give some of the duties of the Clerk. Of the other county officers.

What is the term of service of the county officers?

What are municipalities? How can the inhabitants of any settlement be formed into a municipality?

What is the difference between a city and a town?

What are the necessary officers of a municipality?

Why should people desire to be formed into a city or town?

Are the cities of the State usually formed under the general law?

Is Section 8 now a part of the Constitution?

CHAPTER X.

ARTICLE IX — TAXATION AND FINANCE.

Real property consists of land, with the fences, buildings and other permanent improvements. Personal property consists of money, cattle, grain, household goods and other movable things.

2. The debt of the State on January 1, 1901, was \$1,032,500. This indebtedness has come down to us from the years that followed the civil war. An attempt was made by the Legislature in 1871, and again in 1873, to fund the floating debt of the State. The exact amount of the debt was not known; but in 1871 the Legislature authorized the issue of seven per cent. bonds of the face value of \$350,000.00, payable in thirty years.

In 1873 an issue was authorized of \$1,000,000, in six per cent. bonds, to run thirty years. At the same time, provision was made for the payment of the interest and for a sinking fund which would eventually extinguish the debt. The interest has been paid regularly, and a portion of the bonds redeemed. The issue of 1871 matured in 1901. At that time \$82,300 of these bonds had been redeemed by the sinking fund. \$12,000 of the same bonds were held by individuals and were called in and paid soon after they matured. The balance of the seven per cent. bonds, viz. \$255,700, was held by the various school funds of the State; that is, the school funds were invested in these bonds to that amount. This amount was refunded in 1901 in three per cent. bonds payable in fifty years.

Of the six per cent. bonds authorized in 1873,

\$925,000 were issued. They matured January 1, 1903.

At this time there remained unpaid \$764,800. This sum was refunded at three per cent. and taken as an investment by the educational funds of the State. This refunding act saves the State about \$30,000 each year in interest, and the only cause of regret is that the income from the school fund was thereby seriously diminished.

In 1902 the State received from the federal government \$692,946, in settlement of a long standing claim for money advanced by the State in the Indian Wars. A portion of this sum will be used for the further reduction of the debt.

The State has not issued any bonds since 1873, except to refund at a lower cost, as just explained; but it has borrowed money on notes signed by the Governor, Comptroller and Treasurer, as provided by law. The last of these notes, \$100,000, was paid in 1900.

LAW FOR THE COLLECTION OF TAXES.

Taxation is one of the most important functions of government. The right to take a portion of a man's property from him without his consent, belongs only to a rightfully constituted government, and is the highest expression of the sovereignty of the State.

Taxes are necessary for the support of the government. The revenue which they yield is expended in paying the salaries of the Legislators and officers and in maintaining schools, asylums, etc.

Taxes are classed as *direct*, and *indirect*. A direct tax is one that is paid by the person, or the agent of the person, against whom it is assessed. Nearly all, if not quite all the taxes collected by the State of Florida are direct taxes. An indirect tax is one which though it is at first paid by the person against whom it is assessed, is at last paid by another person, who is thus indirectly taxed. Customs are of this

kind. A shipload of silks from France appears in the harbor of New York. An officer of the United States goes on board the ship and finds out what the goods are and what they cost in France, and then the American merchant who ordered the goods is taxed for them. This tax, which often amounts to thousands of dollars, he must pay before he gets possession of the goods. But he at once adds this tax to the cost of the goods, and so when the silks are sold, the consumer at last pays the tax.

The Federal government raises all its revenue by indirect taxation, although sometimes an income tax has been collected, and two or three times the Federal government has levied a direct tax on property.

We will now explain the process of taxation, as it is carried out in Florida.

Every citizen is liable to pay taxes to four different authorities.

First, The State requires money to pay the salaries of the Governor and other administrative officers, the expenses of the Supreme Court and of the Legislature and to provide for the support of the State schools and other institutions.

Second, The county requires money for salaries of officers and for roads, bridges, public buildings, the expenses of the courts, etc.

Third, Dwellers in cities must pay for paving the streets and for police officers, street lighting, water supply, etc.

Fourth, Residents in special school districts are liable to be called on to pay an extra school tax, additional to that included in the county tax.

All taxes collected by any of these authorities must belong to one of the following classes :

1. Personal Tax.
2. Property Tax.
3. Occupation Tax.

The personal tax is called the poll tax, or capitation tax. This is a State tax. Every man over twenty-one years, and under fifty-five years, who has not lost a limb in battle, is required to pay this tax. It may be said that this tax has been very imperfectly collected, and that few persons pay it, except those who pay taxes on property also, or those who desire to vote. The amount collected from poll taxes in 1899 was \$36,000 in round numbers.

Property taxes are assessed on real, or personal prop-

erty. The distinction between real and personal property has been made in a former paragraph.

Occupation taxes consist principally of licenses to do certain kinds of business. Nearly all occupations are taxed. Merchants, hotel-keepers, lawyers, dentists, proprietors of circuses, theaters, livery-stables, distillers, brewers, and saloon-keepers are some of the classes of persons who pay licenses.

To illustrate the distribution of various property taxes, the following table is given of the rate of taxation in one of the inland cities of Florida. The tax levy is expressed in *millage*. That is, for each purpose specified every dollar's worth of property must pay the number of mills set opposite :

1. State Tax.		
For General Revenue, ...	2½ Mills	
For Pensions, ...	1 Mill	
For State School Tax, ...	1 Mill	
For Board of Health, ...	½ Mill	
Total, ...	5 Mills—	5 Mills
2. County Tax.		
For General County Revenue. 2¼ Mills		
For Building Tax, ...	2 Mills	
For Bonds, ...	1 Mill	
For Fine and Forfeiture, ...	½ Mill	
For County School Tax.....	5 Mills	
Total, ...	10¾ Mills—	10¾ Mills
3. City Tax.		
For all Purposes, ...		14 Mills
4. Special School Tax.		
For School Purposes, ...		2 Mills
Total Millage, ...		31¾ Mills

Hence a citizen of the city whose property was assessed at \$1,200, would pay—

$$\$1,200 \times .03175 = \$38.10.$$

In addition to this, if the citizen were in some business, an occupation tax might be required. The poll tax, also, must be paid.

In the State tax above, the general revenue tax provides funds for the salaries of State officers and clerks, for the expenses of the Legislature, and the pay of its members, for

the support of State institutions, and for various other purposes.

The pension tax, is used to pay pensions to disabled soldiers and sailors, or to other legal claimants where such disability was incurred in the service of the State in war.

The Board of Health tax is used to defray the expenses of protecting the State from epidemics and contagion, such as yellow fever, small pox, etc.

The one mill school tax is provided for by the Constitution, and is distributed to the several counties in the ratio of the average attendance on the public schools. It amounted to about \$90,000 in 1900.

In the county tax, the *fine* and forfeiture fund, is employed in paying for witnesses, jurors, etc., in criminal prosecutions. The building tax provides money for building court house, jail, etc. The Bond tax provides fund to pay the interest of the bonded indebtedness of the county, and to provide a sinking fund for the payment of the bonds when due.

Taxes must be *levied, assessed and collected*.

THE TAX LEVY.

The State tax is *levied* by the *Legislature*, assessed by the county assessor, and collected by the county collector.

The Legislature ascertains about how much money will be needed for all State purposes for the next two years. Then, an estimate is made of what sums will come into the treasury from licenses, interest on deposits, and other sources. This sum subtracted from the amount needed will leave the sum to be levied. Then knowing about the amount of taxable property in the State, the *millage* can be determined. The following is a part of the act of 1901 :

“CHAPTER 4887—(No. 3.)

“An Act to provide for the Levy of Taxes for the Years 1901 and 1902.

“Be it enacted by the Legislature of the State of Florida:

“Section 1. That for the purpose of securing an equal and uniform rate of taxation, and to pay the appropriations for the current expenses of the State for the years 1901 and 1902, and for the interest on the bonded debt for said years, there shall be levied upon the real and personal property of the different counties for the year 1901, a tax of three mills

upon the dollar, and for the year 1902, a tax of three mills upon the dollar; and there shall also be levied for each of the years 1901 and 1902 a constitutional school tax of one mill upon the dollar. Provided, that if the Governor shall discover from the aggregate assessment of the property of the State, and from other sources of revenue that the reduction of three mills State tax of either or both of said years will be justified, he is hereby authorized to reduce the same as low as he may deem advisable, and he is hereby empowered to instruct the tax collectors to collect only such reduced tax as he may fix aforesaid."

The County tax is levied by the board of County Commissioners, but the maximum millage is prescribed by the Legislature.

The city tax is levied by the City Council, under limitations fixed by the charter which the Legislature has issued to that city.

THE ASSESSMENT.

After the millage has been determined, it becomes necessary to ascertain what each property owner must pay. This is called the assessment. Each county has a tax assessor elected by the people for a term of two years until 1906; then four years. His duty is indicated in the following Section from the law relating to the assessment and collection of revenue, being Section 15, of Chapter 4322.

"Between the first day of January and the first day of July of each year, the Assessor in each county, with the aid of such assistant assessors as may be nominated by the assessor and appointed by the County Commissioners, shall ascertain by diligent inquiry the names of all taxable persons in his county, and also their taxable personal property, and all taxable real estate therein on the first day of January of such year, and shall make out an assessment roll of all such taxable property. And the assessor or his assistant shall make at least one visit to each precinct for the purpose of receiving tax returns, after having given ten days' notice of such visit, between the first day of January and the first day of March, and tax returns by owner or agent must be made between the first day of January and the first day of April."

EQUALIZING THE ASSESSMENT.

The County Commissioners examine the assessment rolls and raise or lower the assessments where they think the valuation of the real estate has not been correctly made. Persons interested may appear before them. The commissioners cannot raise the total valuation, but can equalize it.

After this equalization, the assessor finds what each person, or each piece of property ought to be taxed and completes his roll by setting these amounts down in appropriate columns.

The commissioners then examine the roll and make two copies of it, and if these are found correct, the commissioners certify to that fact, and issue a warrant to the tax collector, directing him to collect the taxes therein set down.

Collection of taxes is done by the tax collector of each county, who collects the State and county and special school tax, and turns the money over to the county treasurer, who receipts for it, the receipts from the State tax are remitted by the collector to the State Treasurer. These taxes are to be collected before April first, and settlement must be made by the tax collector with the State Comptroller and the County Commissioners by the first Monday in July.

Provision is made for selling the property on which taxes are assessed, if the owner does not pay them within a certain time.

STATE BOARD OF EQUALIZATION.

There is no State Board of Equalization. Some counties value property at a low figure, and thus pay less than their proportion of State tax. The Governor has recommended the creation of such a Board of Equalization, but the Legislature has not acted upon the recommendation.

Exemptions. — Property of the United States and of Florida, and of the counties and towns, villages and cities, and of benevolent, educational and religious societies where used strictly for the purposes indicated, also two hundred dollars worth of property of a poor widow, or a cripple, are exempt.

CITIES AND TOWNS.

In cities and towns, the process of assessment and collection of taxes is substantially the same as in the county.

There is a city assessor, a city collector, and a city treasurer.

QUESTIONS ON ARTICLE IX.

What is the difference between real property and personal property?

For what purposes must taxes be collected?

What was the State debt in 1901?

What was done in 1871, in regard to the debt of the State? What in 1873? What has become of those bonds? What rate of interest does the bonded debt of the State now bear?

For what purpose may the State issue bonds?

What exemptions may be made in favor of widows and crippled persons?

Could a government exist without taxation?

Name some of the purposes for which governments need money?

Distinguish between direct and indirect taxes.

How does the Federal government raise revenue?

Does our State levy indirect taxes?

To how many different authorities may a resident of Florida have to pay taxes? Explain.

Name the three classes of direct taxes that may be collected by the State or local authorities.

Who have to pay poll tax? Illustrate.

Try to find out what the millage of taxation is in your home and how many mills are levied for each purpose.

If the levy is $25\frac{1}{2}$ mills, what would be the tax on property assessed at \$1,800?

For what purpose is the pension tax? The Board of Health tax?

What did the one mill tax bring into the school fund in 1900? What, then, was the assessed value of all the property in the State, if 6 per cent of the assessment could not be collected?

What is a sinking fund?

Distinguish the terms *levy*, *assess* and *collect*.

What does the Legislature do in the matter of taxes?

What does the Board of County Commissioners do?

Who levies the city tax?

What are the duties of the assessor?

If a person thinks his property has been assessed too high, what may he do?

What are the duties of the tax collector?

If a man refuses, or neglects to pay his tax, what may be done?

Is there a State Board of Equalization? Ought there to be one?

What property is exempt from taxation?

An Allegory. — Three men went to shoot birds in a nobleman's enclosed grounds. The party was required to pay twenty shillings for the day's shooting, and they agreed that each one should pay in proportion to the number of birds he should bag.

Smith killed ten birds, Jones ten and Brown thirty. As the men had hunted in different parts of the woods, neither knew how many the other had killed.

So Brown thought that as he had had very good luck he would probably have to pay a large part of the gate-fee. As the other men had had just as much sport as he, and as he ought not to pay for his extraordinary skill, it would be all right to send a part of his birds home by another way. So he sent his servant home with ten birds by a road that did not lead by the gate.

At sundown the three men met at the keeper's gate to pay their bill. How much did each pay? What do you think of Brown's conduct? What has this to do with taxes?

CHAPTER XI.

ARTICLE X — HOMESTEAD AND EXEMPTIONS.

Section 1. It is the wise policy of the federal government, as well as that of the State, to encourage the making of homes. Citizens who have homes are interested in the stability of the government, and in the enactment of wholesome laws. This Article provides that a home secured by thrift and economy shall not be taken away, when the owner has been unfortunate in business, and become involved in debt. One hundred and sixty acres is a very natural amount of farm land to be exempted, as this is a quarter section, the smallest subdivision made by United States surveyors.

The improvement may consist of house, fences, barns, corn-cribs, wind-mill and other buildings, and may be worth several thousand dollars. The personal property may be in money, cattle, or other movable things. Notice that for some debts this exemption will not be allowed.

4. Alienating means selling.

5. Sometimes farms near growing towns are taken into the limits; that is, the town limits are extended to include the farm. Sometimes the owner of the farm may object to this. It can still be done, however. In such case, the owner of the farm can still claim the whole 160 acres as homestead, whereas he would otherwise be entitled to one-half an acre, as stated in Section 1.

ARTICLE XI — MARRIED WOMEN'S PROPERTY.

This Article needs no comment. Its provisions for the security of the separate property of a married woman commend themselves to the sense of justice of everyone.

QUESTIONS ON ARTICLES X AND XI.

X. How much land may a person claim as a homestead in the country? How much in a town? Is there any limit to the value of the houses, barns, etc., which are upon this land? Is there a limit to the amount of movable property, which may be claimed as exempt?

What is the object of this Article?

Can a bachelor avail himself of the exemption here provided?

Could a man borrow money to build his house, and then refuse to pay it back, and claim the exemption provided by this Article?

Can a homestead be sold by the Sheriff for unpaid taxes?

Can a man sell his homestead?

If the limits of a town should be enlarged so as to take in the homestead of a farm, would he still be able to hold 160 acres exempt?

XI. Is a married woman's property liable to be taken to pay her husband's debts?

XII. Is it honorable for a business man who sees that he will soon fail, and be unable to pay what he owes, to make extensive improvements on his homestead for the purpose of keeping as much as possible from his creditors?

CHAPTER XII.

ARTICLE XII — EDUCATION.

On the importance of this Article, we find the following estimate in *Memoirs of Florida*, Volume I :

"Article XII. on education deserves a special mention as it is responsible for the high rank which the young State of Florida has taken in the field of popular education. This Article removed the matter of school revenues from the field of temporary expediency, and established in the organic law, the State school levy of one mill on the dollar of assessment, a County tax of not less than three nor more than five mills, and permitted a school district tax, not to exceed three mills. A State Board of Education was created, composed of the Governor, Secretary of State, Treasurer, Attorney General and Superintendent of Public Instruction, and the establishment of two Normal Schools was required."

Sec. 1. Provisions similar to the above were placed in the former Constitution of the State. In 1853, the first efficient school law was enacted, but for many years the public schools were regarded as intended for the indigent. Under the present Constitution, the school law was enacted in 1889. Numerous amendments and changes have been made by succeeding Legislatures. The present provisions of the law are given on subsequent pages.

Sec. 2. In general the duties of the State Superintendent are the "oversight, charge and management of all matters pertaining to public schools,

* The teacher should have a copy of the first official report of Hon. Wm. N. Sheats, State Superintendent. Mr. Sheats was a member of the Constitutional Convention and was largely instrumental in securing the liberal provisions of Section XII.

school buildings and grounds.” Specifically, the following duties are assigned to the Superintendent:

1. To print and distribute school laws, and forms for reports, etc.

2. To call conventions of County Superintendents and other officers.

3. To hold teachers’ institutes, etc.

4. To grant certificates to teachers.

5. To apportion the interest on the common school fund and the proceeds of the one mill tax to the counties.

6. To make proper apportionments when the proper census returns have not been received by him.

7. To try appeals.

8. To prescribe rules for the management of the department of Public Instruction.

The salary of the Superintendent is \$2,500, with additional sums for Clerk hire and office and traveling expenses.

Sec. 3. The State Board has a general supervision over all State schools, with full authority as trustees over the two Normal Schools.

Sec. 4. When Florida was admitted as a State in 1845, Congress donated to the State the sixteenth section in each township, to be used *by that township* for public school purposes. The State was afterwards allowed to sell the lands thus designated, and to consolidate the fund. These lands are being sold from time to time, and the proceeds added to the principal of the school fund.

The land donated to the State for seminaries and Agricultural College are not part of the State School Fund.

Escheated property is property that has been left by persons dying without heirs or other legal

claimants. The Sheriffs of the counties are required to take charge of such property, and turn it over to the State, for the benefit of the school fund. Forfeitures are sums forfeited by persons who have given bond, as explained on page 14, and have failed to present themselves at the proper time, or failed to discharge their official duties.

The federal government has, from time to time, given the State certain classes of lands. Most of these are held by the Internal Improvement Company, but some lands belong to the State, and are sold.

Another source of increase to the State School Fund is of considerable importance, though not mentioned in the Constitution. Five per cent. of the proceeds of the sales of United States lands within the State belongs to the State School Fund. This was a provision made by Congress in 1845. From 1873 to 1903, this payment was suspended by reason of the unsettled state of our account with the Federal Government. In 1902-3 a settlement was made by which the accumulated five per cent. fund was paid to the State, and was added to the principal of the School Fund. The sum was \$88,362. From all the above sources, the principal of the fund in June, 1903, had become \$833,100. This amount is invested in bonds of the State of Florida and other States. Adding to this cash not invested in bonds, and the State School Fund is over a million dollars.

The principal of the State School Fund will not be largely increased in the future from the sources above mentioned. Of the sixteenth section, only 218,000 acres remained in 1903 unsold, and as much of this is of little value, the receipts will be

small. The public lands of the United States within the State are also of comparatively small value, and are all included in the homestead acts.

Sec. 6. The One Mill Tax produces at the present (1904) about \$91,000, which is distributed to the different counties in proportion to the average attendance in the schools of the county.

Sec. 7. Sections 7, 8 and 9 are the only sections of this article which have been amended. Section 7, as it now stands, differs from its original form, in the fact that formerly the distribution was made according to the number of children of school age in the county. The present provision acts as a stimulus to all school officers and teachers and friends of education, to promote a large and regular attendance on the schools. This amendment was made in 1894.

Sec. 8. This section was amended in 1904. The maximum county tax previously allowed was five mills. The provision allowing seven mills will place it in the power of the counties to provide much better school facilities than formerly.

Sec. 9. By an amendment ratified in 1894, the fines and forfeitures do not now go into the county school fund. The amendment is given under Article XVI, Section 9, but affects the present section also.

Sec. 10. The provisions of this section are carried out in Chapter 4678 of the Session Laws, 1899. The first section of that law reads as follows:

“Each county shall constitute a *school unit*. All subdivisions of a county for school purposes shall be designated as *school districts*. All school districts levying a school district tax shall hereafter be designated as *special tax school districts*, and all

schools receiving any district tax, as *special tax schools*."

When one-fourth of the resident, qualified tax-paying electors in any given part of a county petition the County Board of Public Instruction to order an election to constitute a special tax school district, the Board must hold such election after due notice. The election shall determine three questions:

First. Shall the special tax district be established?

Second. What three persons shall be trustees?

Third. How many mills on the dollar shall be levied and collected for each of the ensuing two years?

The law thus affords an opportunity for parts of a county to erect school buildings, lengthen the term of school, and increase the school facilities generally.

14. A Normal School for the white race is maintained at De Funiak Springs, and colored candidates for teaching are instructed at a similar school at Tallahassee. Further account of these schools is given later.

15. County Treasurers are the custodians of the county school funds. Their compensation for care of these funds has been paid from the general funds of the county. The Legislature of 1903 passed a law requiring the compensation of the County Treasurers for handling the school funds to be paid from those funds.

SUMMARY OF SCHOOL LAW.

The amount of money collected and expended for the educational institutions of the State, including the common

schools, so called, is very large and shows the estimation in which education is held by the people of the State. From one-fourth to one-third of the taxes collected in any county are for education. The total expense of the common schools in 1902 was \$792,000, while \$250,000 more was appropriated to the colleges and other State educational institutions. The proper expenditure of these large sums of money, demands the greatest care, skill and integrity, from all school officers, The responsibility falls on the teachers, too, and upon the pupils even in the humblest schools, so that the people may not be taxed without avail.

The school officers are the State Superintendent and State Board of Education, the County Superintendent and County Board of Education, Trustees of Special Tax Districts, Supervisors of schools other than special tax schools.

The duties of the State Superintendent of Public Instruction have been already noticed in part. Many duties devolve upon him, that are not specifically mentioned. The whole system of education in the State languishes, if he is indifferent, and is invigorated by his energy. No small part of his duty is to attend educational meetings and visit other parts of the country, to observe the workings of the educational forces, in other States in the Union, and to bring back suggestions for the improvement of our schools. Another duty is to visit different counties in Florida, and make addresses to stimulate and encourage the teachers and other friends of the schools. He visits all the Seminaries and Colleges which are supported by the State, and as a member of the Board of Education, takes part in the election of faculties for the two Normal schools, and in supervising the expenditure of funds appropriated by the Legislature for the support of these schools.

The State Board of Education is composed of the Governor, the Treasurer, the Comptroller, the Attorney General, the Secretary of State, and the State Superintendent. They are the legal custodians of all lands granted to the State for educational purposes, where no provision to the contrary has been made; they hear all appeals referred to them by the State Superintendent, and they co-operate with the State Superintendent of Public Instruction in the management of the department, and in the general diffusion of knowledge in the State.

The County Superintendent is a very important factor in the development and improvement of the schools of the State. Efficient supervision is the greatest need of the

schools. The County Superintendent conducts the examination of teachers, and issues certificates. He visits each school once at least in each term. He recommends teachers for employment, and serves the interests of education in his county, in all possible ways. He is elected for four years at the general election in November.

The County Board of Public Instruction is composed of three members elected by the people. The county is divided into three School Board Districts by the County School Board, and one member of the School Board is chosen from each district. Their term of office is two years. The County Board is a corporation to acquire and hold the lands, buildings and other property used for educational purposes, such as belong to special school tax or districts. The County Board locates schools, hires teachers, determines the length of the term and when it shall begin, buys school furniture and supplies, makes estimates of the money to be raised by tax for county schools, and performs all acts reasonable and necessary for the promotion of the educational interest of the county and the general diffusion of knowledge among the citizens.

The Supervisor is an officer of a single school. His duty is to look after the school house and grounds, to aid the teacher in his efforts to elevate character and condition of the school, to report to the County Board monthly, as to the progress of the school, and as to any needed expenditures for apparatus, repairs, etc.

Trustees of special school districts are elected by the people for a term of two years. They have the powers and duties that belong to the Supervisor of the single school, but their jurisdiction extends over all the schools within the special tax school districts. They have also the right to nominate the teachers subject to the approval of the County Board. They have also a right to say to what purposes the funds raised by the special tax shall be applied, whether to salaries of teachers, erection of buildings, or the purchase of apparatus, or to other legitimate purposes.

Examination and Certification of Teachers.

By the report of the State Superintendent for 1901-2 there were 2,799 different teachers employed in the public schools of the State. To these teachers were paid \$569,735, and under their instruction were 112,384 youths of school age. In order that the money may be profitably expended, and that the youth may be well taught, the Legislature has

passed several laws, regarding the examination and certification of teachers. The law for the examination of teachers was passed in 1893, and is entitled:

An Act to Prescribe Rules and Regulations for Licensing Teachers; to Provide for Uniform Examinations; to Secure Fairness in Examinations, and in Issuing Teachers' Certificates, and for other purposes.

Prior to the passage of this law, the examination and licensing of teachers was in the hands of the County Board and County Superintendent. In some counties, the work was done carefully and fairly; in others, the examinations were loosely conducted, and in some counties, no examinations were held.

Each Legislature since 1893, has made some change in the requirements of the laws, the last of which at this date, (1904), made in 1903, is a revision of the whole law of 1893. The provisions of this law are briefly given below.

1. There are seven grades of certificates named, as follows: Third grade, second grade, first grade, primary, special, State, life.

The third grade, second grade and first grade certificates are obtained on examinations in the Common School Studies, and differ slightly in the studies, and in the per cents required to pass, the third grade being lowest. A third grade certificate is good for two years, a second grade for four years, and a first grade for five years.

Primary certificates are issued to those who wish to make work in the lowest grades of the schools a specialty. The candidate must be fairly well acquainted with the common school studies, and show exceptional knowledge of primary studies and methods. The certificate is good for four years in the first three years of school, and in kindergarten.

A special certificate may be issued to suitable persons who wish to teach special branches, such as Spanish, music, etc. This certificate is valid for five years.

A State certificate is issued by the State Superintendent to teachers who have taught eight months in Florida under a first grade certificate, and who pass a creditable examination in geometry, trigonometry, physics, zoology, botany, Latin, rhetoric, English literature, psychology, and general history. This certificate is valid for five years throughout the State.

A life certificate may be issued to holders of State certificates under certain conditions.

A first grade certificate may be made good for life if the holder has taught for twenty years, nine of which have been under certificates issued in Florida since January 1, 1894. The holder showing satisfactory evidence of success as a teacher. This certificate is good in the county where issued. A similar provision is made for holders of exceptionally good first-grade certificates after six years service.

Primary certificates may also be made perpetual, after four years service under such certificate.

In all examinations, the questions are prepared by the State Superintendent, or under his supervision. They are sent in sealed envelopes to the County Superintendents who open them in the presence of the teachers applying for certificates, and conduct the examination.

The answers made by the candidates are given to a grading committee of three, and are by them graded.

The certificates are then issued to the successful candidates by the County Superintendent.

All reasonable precautions are used to secure a fair and impartial examination, and a just grading of the papers. If these results are not attained, it is because the law has not been strictly and faithfully carried out by the officers.

Any of the above certificates may be revoked, when the holder proves to be incompetent, or immoral, or fails to comply with the regulations of the Department of Public Instruction.

The duties of the teacher are generally known, but the following sentences from the law of 1889, are worthy of a place in the memory of every instructor of youth, and are commended to the consideration of pupils also:

"Every teacher is directed——

"First, To labor faithfully and earnestly for the advancement of the pupils in their studies, deportment and morals, and to embrace every opportunity to inculcate by precept and example the principles of truth, honesty and patriotism, and the practice of every Christian virtue.

"Second, To require the pupils to observe personal cleanliness, neatness, order, promptness and gentility of manners, to avoid vulgarity and profanity and to cultivate habits of industry and economy, a regard for the right and the feelings of others, and their own responsibilities and duties as citizens."

STUDIES TO BE PURSUED.

Prior to 1903, the organization of schools and the branches to be taught were left almost entirely to the County School Boards. The law of 1893 prescribes elementary physiology, as it relates to the effect of alcoholic stimulants and narcotics, and the law providing for the uniform examination of teachers implies the teaching of certain subjects. Otherwise the subjects were left to the County Boards. The law of 1903 is more explicit and is now summarized. Sections 1-6 are as follows:

"Be it Enacted by the Legislature of the State of Florida :

"Section 1. The uniform system of public free schools of the State of Florida shall provide for twelve consecutive school years of instruction, exclusive of kindergartens, normals, colleges and universities, and such other schools as may be designated or established by the Legislature.

"Sec. 2. Each school year of instruction shall be designated as a grade and no official course of study shall recognize less than a school year of eight months of instruction as constituting the work of a grade.

"Sec. 3. The first two grades shall be known as primary grades; the third, fourth, fifth and sixth grades shall be known as intermediate grades; the seventh and eighth grades shall be known as grammar grades; the ninth and tenth grades shall be known as junior high school grades, and the eleventh and twelfth grades shall be known as senior high school grades.

"Sec. 4. Instruction shall be given in the primary grades in reading, spelling, language, physiology and hygiene, number and writing, and such lessons in music, drawing, geography, nature study, morals, and manners, as may be provided for in the county course of study.

"Sec. 5. Instruction shall be given in the intermediate grades in reading, spelling, language, arithmetic, geography, physiology, and hygiene, writing, elementary science, and such lessons in music, drawing, history, nature study, morals and manners as may be provided for in county course of study.

"Sec. 6. Instruction shall be given in the grammar grades in reading, orthography, geography, history, and civil government of Florida and of the United States, and such lessons in music, drawing, morals and manners, manual training, domestic arts and sciences and agriculture as may be provided for in the county course of study."

Sections 8 and 9 provide for a committee of teachers of the State for the purpose of drawing up a course of study for the high schools. The pamphlet containing the course of study prepared by this committee may be obtained from the office of the State Superintendent.

Section 10 provides that State aid may be given to high schools established under this act. Any high school giving satisfactory instruction in the first two years of the course of study may claim \$360 per annum for three years. Those schools which satisfactorily maintain instruction in the full course of four years may claim \$600 per annum for three years.

Section 11. Schools maintaining the intermediate and grammar grades under certain conditions may receive \$200 per annum for four years.

Section 12 provides that applications for aid as above shall be made by the County Board to the State Board. The State Superintendent shall then investigate the condition of the school, and advise such action upon the application as may seem proper.

Section 13 guards against abuses of the law. Section 14 appropriates for two years \$50,000 per annum. Section 15 repeals laws in conflict with this.

The object of this law is to encourage counties and towns to maintain high schools and to stimulate school officers and teachers to reach a high standard of scholarship in the schools under their charge. Incidentally it will operate to retain in the school pupils who would otherwise drop out.

THE STATE SCHOOLS.

This term is used to distinguish from the common and high schools already mentioned certain other schools which derive their support in part, or wholly, from appropriations by the State Legislature, or by the Congress.

In the Act of 1845, by which Florida was admitted into the Union, the State was granted 92,000 acres of land for the establishment and maintenance of two Seminaries to be located East and West, respectively, of the Suwanee River. In 1852 the East Florida Seminary was located at Ocala, and in 1856 the West Florida Seminary was established at Tallahassee.

The East Florida Seminary was removed in 1866 to Gainesville, where it now is, bearing its original name. The lands donated by Congress have been nearly all sold, and

the proceeds invested in Florida State bonds, which at the present rate yield to the East Florida Seminary \$1,479 annually. The Legislature from time to time appropriates money for the expenses of the Seminary.

The *East Florida Seminary* has had a long career, and numbers among its alumni many of the prominent and successful men of the State, all of whom are loyal to their alma mater.

The Seminary is conducted on a military system. The Seminary offers at present a course of five years, and covers the subject necessary for a substantial education.

The *West Florida Seminary*, founded in 1856, is now called the *Florida State College*. The State College maintains a high standard of scholarship, and offers a full classical College Course, together with Science and Literature Courses. The degrees granted are Bachelor of Arts (A. B.), Bachelor of Literature (B. L.), and Bachelor of Science (B. S.) The income is derived from the same sources as the East Florida Seminary.

The *Florida Agricultural College* was established in pursuance of an Act of Congress, which donated to each State in the Union 30,000 acres of land for each Senator and Representative, for the support of a college where industrial education should go hand in hand with the liberal culture afforded by the other colleges. Florida accepted the grant in 1870, and after locating the college in Alachua County in 1883, and then at Eau Gallie, finally fixed upon Lake City as the most suitable site. In 1903 the Legislature changed the name of the Agricultural College to *The University of Florida*.

This institution succeeds to all the provisions made by Congress for the support of the Agricultural and Mechanical Colleges, and in addition has enlarged its scope, and increased its equipment. The funds for its support are derived from the State appropriations, and from the proceeds of donations from the United States. The State appropriations have recently been liberal and the income from federal sources amounts to about \$18,000 annually, besides an annual appropriation of \$15,000 for carrying on experiments in agriculture. The degrees of A.B. and B.S. are given, and the University has authority to grant the higher degrees customary in this country.

The *State Normal School* for white students is located at De Funiak Springs, in Walton County. This school aims to give professional training, although some preparatory aca-

demic work is done. Each county is entitled to send one pupil as a *scholarship pupil*. To each of these is given \$100 per annum. In return the pupil thus aided is obligated to teach for two years after graduation.

The *State Normal and Industrial School* for colored pupils is located at Tallahassee. It received one half of \$25,000 per annum appropriated by Congress, the other \$12,500 being a part of the income of the University. The State supplements this with liberal appropriations from time to time.

The *South Florida Military and Educational Institute* is located at Bartow. The organization and discipline are military. Board and tuition are furnished free to one cadet from each county chosen by competitive examination.

The *St. Petersburg Normal and Industrial School* at St. Petersburg, is not wholly a State school, being controlled and maintained jointly by the town of St. Petersburg, Hillsborough County, and the State. The leading idea of the school is industrial training for the masses and preparation of teachers for such training in the schools.

In addition to the State Schools above named, the cause of education is much indebted to private and denominational schools, several of which are admirably equipped and maintain a high standard of scholarship and culture.

SUMMARY.

Officers of the School System. — The State officers to administer the school system are the State Superintendent of Public Instruction and the State Board of Education.

The Superintendent has general supervision of all the schools of the State, and it is his duty to see that the provisions of the school law are observed.

The State Board of Education consists of the Governor, who is chairman, the State Superintendent, who is secretary, and the Secretary of State, the Treasurer and the Attorney-General. This Board has power to remove subordinate officers, and to supervise the higher State schools, and to invest the funds belonging to the permanent school fund.

The Superintendent and the members of the State Board are administrative officers of the Executive Department, as stated before, and are elected for a term of four years.

The county school officers are the County Superintendent, who is elected for four years, and the County School Board, consisting of three members, elected by districts for a term of two years. The County School Board disburses the school funds of the county, appoints teachers and has general control of the schools of the county.

The Supervisor is an officer whose duties are limited to the supervision of a single school. He takes care of the property and assists the teacher in the discipline of the school, if necessary, and reports to the County School Board the condition of the property of the school, and certifies to the correctness of the monthly reports of the teacher.

Trustees of special tax districts supersede the Supervisors in all the schools of the special district. They have additional duties and powers in nominating the teachers to the County Board, and in deciding how the funds arising from the special tax shall be expended.

The County Treasurer is the treasurer of the county school fund.

School Funds. — There is a permanent State school fund, of which only the interest may be used from year to year. This fund is made up and increased from the following sources:

1. The proceeds of the sale of lands donated to the State by the United States. This refers principally to the sixteenth section of each township of United States land within the State. On the admis-

sion of Florida in 1845 these sections were donated to the State by the general government.

2. Donations to the State when the purpose is not specified.

3. Appropriations by the State.

4. The proceeds of escheated property or forfeitures.

5. Twenty-five per cent. of the sales of public lands owned by the State.

6. Though not specified in the Constitution, five per cent. of the sale of United States lands are added to this fund.

This permanent school fund amounts at the present time to about one million dollars, and the interest therefrom is about \$40,000 per annum. This interest is distributed to the various counties in proportion to the average attendance of pupils.

The *one mill tax* for schools is levied and collected each year and deposited in the State treasury, from which it is distributed to the counties on the same basis as is the interest of the permanent fund. This tax amounts to about \$90,000 per annum.

County School Fund. — Each county is required to levy a tax of from three to seven mills on the dollar of taxable property for the use of the schools within the county. Every man, not exempt by law, is assessed one dollar as poll tax, and this sum goes to the county school fund. To these sums are added the county's share of the interest and one mill tax, and the total constitutes the county school fund, which is expended by the County School Board.

The special tax collected from the property of the special tax districts is used for the expenses of the schools in that district.

Schools and Studies. — The schools of the State provide for twelve years of instruction.* Each year is called a grade, and consists of eight months. The departments are named: Primary, two years; Intermediate, four years; Grammar, two years; Junior High School, two years; Senior High School, two years.

An official course of study for High Schools has been prepared, and schools maintaining classes in this course of study are aided by funds from the State treasury.

Schools giving instruction in the intermediate and grammar grades are also assisted on certain conditions.

In addition to the schools just named, the State maintains or aids several schools for higher education.

The University of Florida is located at Lake City; the State College at Tallahassee; the East Florida Seminary at Gainesville; the South Florida Military Institute at Bartow; the State Normal School for whites at De Funiak Springs; the St. Petersburg Normal and Industrial School for whites at St. Petersburg; the Normal and Industrial School for colored pupils at Tallahassee.

Teachers. — The teachers of the public schools are employed by the County School Boards. They must be licensed to teach after an examination conducted by the County Superintendent upon questions which are prepared by the State Superintendent. There are seven grades of certificates issued, viz.: Third grade, second grade, first grade, primary, special, State and life certificates.

QUESTIONS ON ARTICLE XII.

1. What officers constitute the State School Board?
2. What officer acts as Secretary of the Board?
3. Name some of the duties of this Board. Name eight duties of the State Superintendent. What is the salary of the Superintendent?
4. From what sources is the State School Fund derived? What source of increase to the State School Fund is not mentioned in Section 4 of this Article? About what is the amount of the School Fund now? Is it likely to be largely increased? Can it be diminished? What is the amount raised by the *one mill tax*? How is it apportioned to the counties? How much did your county get last year? Can you help to increase the amount for next year?
5. What important amendment as to the county school tax was made in 1904?
6. What are the sources from which the county school fund is derived? Do the fines collected by the courts go to that fund?
7. What are capitation taxes?
8. How may a *special tax school district* be formed? How large a tax may a special tax school district levy? For what purpose may the special tax money be used?
9. What Normal Schools have been established? Could another be established without amending the Constitution?
10. What can you say of the expense of the schools? Name the officers of the school system.
11. What is said of the importance of the work of the State Superintendent?
12. What are some of the duties of the County Superintendent? Of how many members is the County Board composed? How are they chosen? Name some of the duties of the County Board.
13. What is the duty of the Supervisor?
14. How are the trustees of special tax districts chosen? What are their duties? What rights have they as to the purposes for which the special tax money shall be expended? How many mills on the dollar can be assessed as special tax?
15. About how many teachers are there in Florida? About how many pupils?

16. Name the different kinds of certificates issued to teachers. Describe each. Tell how an examination is conducted for first, second and third grade certificates.
17. How many grades constitute a full common school course of study?
18. At what age may a child enter school?
19. What are called primary grades? What intermediate? What grammar? What junior high school grades? What Senior high school grades?
20. How much money may each Junior High School draw from the State?
21. How much each school, maintaining all the high school grades?
22. Name and locate the State schools.

CHAPTER XIII.

ARTICLE XIII — PUBLIC INSTITUTIONS.

Sec. 1. The Hospital for the Insane is at Chattahoochee. The buildings, donated by the general government and used for a short time as a State prison, were converted into an asylum. The buildings have been enlarged and improved from time to time. At the present time (1904) there are about one thousand inmates. Expert physicians and nurses are employed, and many of the patients are restored to sanity and returned to their homes.

The Institute for the Blind and Deaf and Dumb is located at St. Augustine. This is properly a school where the pupils are given the elements of education and are taught some useful trade, art or profession.

Sec. 3. No work house for common vagrants has been established by the State. All of the counties render aid to the indigent. In many counties, farms and homes of refuge are established. In a few instances these farms are self supporting, the paupers being able to work under guidance, and raise agricultural products enough for their maintainance. In some counties, the indigent have "home aid" from the county and are enabled to live comfortably in that way.

Sec. 2. The State prison is not permanently located. The State has no buildings which are used as a penitentiary.

In 1868 the United States donated to the State of Florida the Chattahoochee Arsenal and grounds. In 1872 the buildings were put to use as a peniten-

tiary. This arrangement was of short duration, and the system of leasing the convicts to contractors who would feed, clothe and guard them for a fixed sum, came into use. In 1876 the State paid \$20,646 for this purpose. In 1881 the prisoners were leased to contractors who fed, clothed and guarded them, and *paid the State* \$15 per head. In 1902 the State leased the convicts at \$151.50 per head, and as there are about one thousand convicts, the receipts approach \$150,000 per annum.

The policy of making the convicts pay for their maintenance, and for the expense of their conviction, is generally approved, although some objections have been raised.

The convicts are leased to contractors, who distribute them in different parts of the State to work in turpentine camps and phosphate mines. The prisoners are subjected to wholesome restraint and are well fed and humanely treated. In many of the larger camps, the discipline is such that habits of sobriety, order, cleanliness and industry are cultivated and enforced to the permanent welfare of the convicts. The open air labor is conducive to health. An inspector, who is a State officer, visits the camps frequently and sees that no abuses exist and that the laws of the State regarding the food and treatment of the convicts are observed.

On being discharged from prison, each convict is provided with a suit of clothes and a small sum of money.

The State Reformatory is at Marianna. This is a school for juvenile offenders. They are subjected to restraint and discipline, and taught some trade or business.

The Confederate Soldiers' and Sailors' Home at Jacksonville, is controlled by a voluntary organization, and is not a State institution in the sense that previously named institutions are, but the State appropriates annually one hundred dollars for each inmate, and about \$800 for salaries and funeral expenses.

QUESTIONS ON ARTICLE XIII.

1. What provision has the State made for the care of the insane? Where is the hospital located? How many inmates? Are some cured from time to time?
2. What provision is made for the blind, and deaf and dumb? Where is this school located? What do the pupils study?
3. Is there a State Workhouse or Poor Farm? Do all counties have such provisions for the indigent and infirm? Does your county?
4. What care is taken of the old soldiers and sailors?
5. Is there a building known as the State prison? How is the penitentiary conducted? Is it an expense to the State?
6. Is there a Reform School for juvenile offenders? Where located? What does the management of this school aim to do for the inmates?
7. In giving aid to the poor, what principle should be observed?
8. Is it right to give money and food to tramps?
9. What sort of treatment do you think juvenile offenders should receive in the Reform School?
10. Do you think a compulsory education law for towns and cities would be a good thing?

CHAPTER XIV.

ARTICLE XIV — MILITIA.

A thorough reorganization of the militia forces of the United States has been made under a new enactment of Congress in 1902-3. The Florida Legislature has promptly seconded the action of Congress, and the militia of the State is being formed into volunteer companies which promise great efficiency. It is not in accordance with democratic doctrines to foster a large national standing army, and it is thought that the organization, equipment, instruction, and drilling of volunteer companies under the new law will afford ample protection.

Following are some of the provisions of the militia law of 1903.

All able-bodied male inhabitants, of the age of eighteen years and under forty-five years, are subject to military duty, subject to the following exemptions:

Officers of the State government, Judges, Legislators, County Officers, Teachers and Clergymen, inhabitants who are not citizens and who have not declared their intention to become such; such persons as may be exempted by the laws of the United States.

The militia is divided into the organized militia and the reserve militia.

The organized militia consists of volunteer companies, which meet regularly for drill and instruction under officers commissioned by the Governor. All others, subject to military duty, constitute the

reserve militia. The organized militia are called the Florida State Troops, and are placed in two regiments, a battalion of artillery, and a medical department.

The Governor is Commander-in-Chief. He has a staff of ten or less aids, who have the rank of colonel.

There is a general staff, consisting of the Adjutant-General, with the rank of Major-General; a Quartermaster-General, a Commissary-General, a Judge-Advocate-General, a Chief of Ordnance, a Surgeon-General, an Inspector-General, an Inspector of Small Arms' Practice, and the Assistant Adjutant-General, all with the rank of Colonel. There is also a military secretary to the Governor, who ranks as Major, and a naval secretary, who ranks as Captain.

The Governor may organize the troops into a Brigade and appoint one Brigadier-General.

A volunteer company may be formed in any place at any time, and after due examination may be accepted as a part of the Florida State Troops. These troops are furnished with arms and uniform by the Adjutant-General, from funds provided by Congress. When ordered into service, the troops receive the same pay as is given to the soldiers of the United States Army.

Provision is made for court-martial, for pensions, for annual encampments and for service within and without the State.

The Adjutant-General receives a salary of two thousand dollars per annum.

The other officers receive no compensation, except when in active service, when they receive

the pay due to their rank, as determined by the laws of Congress.

ARTICLE XV — PUBLIC HEALTH.

County Boards of Health were established by the Legislature of 1885. This Act was amended in 1889 and 1893 and repealed in 1897. Now, instead of County Boards of Health, Sanitary Agents are appointed by the State Board of Health.

The State Board of Health was created at a special session of the Legislature in February, 1889. The State had just passed through a severe epidemic of yellow fever, and great danger was anticipated for the summer of 1889. Fortunately the active measures taken by the Legislature, and by the State Board which it created, prevented the recurrence of the disease.

The Board consists of three discreet citizens of Florida, "to be appointed by the Governor, and confirmed by the Senate." This Board appoints a State Health Officer, and he in turn an assistant.

"The State Board of Health shall have general supervision of the public health of the State of Florida, and shall have power to make, promulgate and enforce such rules and regulations as may be necessary for the preservation of the same."

The authority of the Board of Health and of the Health Officer is ample, and is supported by the whole executive power of the State. They have authority to prevent vessels from entering the ports of Florida until they have been inspected, and to require the disinfection of such vessels as have had cases of disease on board; to inspect the sanitary condition of cities, towns and private residences, and

order the cleaning of the same, and the destruction of such property as cannot be rendered wholesome otherwise; to compel vaccination, and the isolation of persons suffering from contagious or infectious diseases; to kill mad dogs, and horses and cattle, when likely to spread disease; to prohibit the conduct of such manufacturing enterprises as would injure the health of the residents near such factory, etc.

Quarantine stations are established at all the principal seaports of the State, for the detention and purification of infected ships. These stations were in several instances placed on land belonging to the United States, and temporarily used by the State. Such stations have been bought by the United States, and the whole matter of the inspection, detention and disinfection of vessels has passed to the United States Marine Hospital Service, of which the State Health Officer is made a member.

QUESTIONS ON ARTICLE XIV.

Is it the policy of the Government to maintain a large standing army?

What objections are there to a large standing army?

Who constitute the militia of the State?

Are all of these liable to be called into active service?

What classes of men are exempt?

Into what two classes is the militia divided? Is there a company in the county seat of your county?

How often must a company meet for drill?

What officers has a company?

How many regiments are organized in the State?

Who is the commander-in-chief of the State troops?

If the State troops should be called into the service of the United States, who would be their commander-in-chief?

How many officers on the Governor's staff? What rank do they hold?

What officer is charged with the duty of carrying out the provisions of the law regarding the militia under the Governor?

What uniform do the soldiers wear?

Is it provided for them, or do they buy it?

Do the troops ever receive pay for their services?

By what courts are members of the State troops punished for violation of the laws governing the militia?

What salary does the Adjutant General receive?

QUESTIONS ON ARTICLE XV.

Are there now any County Boards of Health?

On what occasion was the State Board of Health created?

How is it constituted? What are its duties?

What authority is conferred upon this Board?

What are Quarantine Stations?

Under what control are Quarantine Stations along the coast of Florida?

CHAPTER XV.

ARTICLE XVI — MISCELLANEOUS PROVISIONS.

Sec. 1. Prior to 1824, Pensacola and then St. Augustine, had been the capital of the Territory. In 1824 the present site was chosen. Congress donated a section of land for the purpose of erecting public buildings. The first United States surveys were made from a base line and principal meridian established at Tallahassee.

Attempts to change the location of the State capital have been made, but the latest of these attempts, in 1898, having failed, Tallahassee is likely to continue to be the seat of the State government.

Sec. 6. The law now requires that the enactments of each Legislature be published within sixty days in the newspapers of the State. They are also printed in book form for distribution and sale. They are "free for publication," that is, there is no copyright on them.

The only officers of the State whose term is longer than four years, are the Judges of the Supreme Court, and the Constitution, not the Legislature, created that office. The Governor is the only officer who may not be immediately re-elected, and hence most officers hold office for several consecutive terms.

Sec. 9. This section is an amendment made in 1894. By the original Constitution, the cost of criminal prosecutions fell heavily on the State treasury, in as much as there was some slackness among county officers in collecting the fines and forfeitures.

Now it is found that the collections are good and only a small additional county tax is necessary to meet the expenses of the prosecutions. The school fund, however, suffered by the change, as formerly the fines and forfeitures were paid into the school fund.

Sec. 12. The State Seal as prescribed by joint resolution, approved August 6, 1868, is thus described:

Resolved, That a seal of the size of the American silver dollar, having in the center thereof a view of the sun's rays over a highland in the distance, a cocoa tree, a steamboat on water and an Indian female scattering flowers in the foreground, encircled by the words, "Great Seal of the State of Florida; in God we trust," be and the same is hereby adopted as the great seal of the State of Florida.

From 1868 to 1900 the flag was described in the Constitution of 1868:

"The Legislature shall, as soon as convenient, adopt a State Emblem, having the design of the Great Seal of the State impressed upon a white ground of six feet six inches fly, and six feet deep."

The present section, as amended in 1900, is more definite, and makes a flag of better proportions than the original section.

Sec. 13. The latter part of this section is an amendment, introduced in 1898, allowing the bonds to be furnished by trust companies authorized to transact business in the State. It is often a delicate matter for a man of small means to ask a friend to go on his bond, and so incorporated companies exist, who make such work their business. It was thought best to allow them to furnish bonds to State officers.

As a matter of fact, the companies have not qualified according to law, to do so (1904).

16. Various projects for cutting a canal across the isthmus of Florida have been set on foot from time to time. Allusion has been made to this subject, under Section 25, Article III. The vast advantage to commerce which would accrue from the construction of such a canal can readily be seen, but the expense of a ship canal large enough for interoceanic traffic would be enormous, and would probably be beyond the means of private individuals or ordinary corporations.

Churches and school houses are in all States exempt from taxation. If, however, a school building should contain a hall which is rented occasionally as an opera house, or for exhibitions, etc., the property would be taxable.

20. The Constitution of the United States requires that a Senator shall be thirty years old, nine years a citizen of the United States and, at the time of his election, a resident of the State.

Our Constitution adds to these requirements very reasonably. So with the Representatives in Congress.

Sec. 22. A carpenter, for instance, can prevent the owner of a house from taking possession of it, or selling it until the carpenter's wages have been paid. A man who lets the building of his house to a contractor ought to be assured, from time to time, that the workmen are receiving their pay, and that the materials are also paid for, before final settlement with the contractor is made.

23. This section is precisely the same as the third amendment to the Constitution of the United States

and should have been placed in the Declaration of Rights of our Constitution.

24. The intermarriage of the two races is abhorrent to all right-minded persons, and the laws very properly prohibit the legal marriage of negroes and whites. A person of the fourth generation would have one-sixteenth part of the blood of the alien race. The marriage of such person to a white is still forbidden. The fifth generation would contain one-thirty-second part of alien blood, and then the bar of the law is lifted. Social ostracism, however, would be apt to follow the children of such a union, where the history of the family should be known.

Sec. 28. It is often necessary to drain land, to make it fit for cultivation. It is to the interest of the State, in every way, to have the land cultivated. Hence the State, as well as individual land owners, have a just claim to be allowed to drain lands through the property of other owners. Just compensation, however, must be given, and where the parties immediately concerned cannot agree upon the compensation, the law provides that three men shall be appointed as *viewers*, who shall examine the lands in question, and determine what compensation ought to be given, and file their report with the County Clerk. If either party objects to this report, the case may be tried in the Circuit Court with a jury.

30. Under the authority of this section, the Legislature has established the State Railroad Commission. This consists of three Commissioners elected at the general elections in November of the even numbered years, for a term of four years. One is elected each leap year, and two at other elections,

when their term has expired. The compensation of each Commissioner is \$2,500 per annum. They are authorized to employ a Clerk at a salary of \$1,200. The Board has the power of preventing the railroad companies from making excessive charges, and from discriminating against any person, or shipping point. Their authority does not go beyond the State lines, but they are authorized to carry any cases that come under the United States Interstate Commerce Act to the federal commission. The Board has the authority of a court, and can compel the attendance of witnesses, and enforce its decrees.

31. This section aims to render the Legislators free from the undue and corrupting influence of the railroad companies, so far as it can, should any such influence be attempted. Passes are a small matter, however, and other forms of bribery are possible.

QUESTIONS ON ARTICLE XVI.

1. When was Tallahassee chosen as the Capital of the State?
2. What cities had previously been the Capital?
3. What must each officer and legislator swear before entering upon his office?
4. Can a county officer have his office at his home in the country?
5. How near to the court house must a sheriff live?
6. What provision is made for donating lands to settlers?
7. Has the Legislature passed laws to this effect? (Ask some lawyer.)
8. How are the laws of the State published first? Afterward?
9. How did the amendment of Section 9, Article XVII affect the school fund?
10. Describe the Seal of the State. Describe the State Emblem.

11. What kind of security must certain officers give for the honest, faithful discharge of their duties?
12. What advantage to Florida would a ship canal through the State be?
13. Would such a canal materially shorten the voyage from New York to the Isthmus of Panama?
14. By examining a map of Florida, can you suggest a feasible route for a canal across the State?
15. What are the conditions on which a man is eligible to the United States Senate?
16. Can a carpenter who has not received his pay for building a house prevent the owner of the property from taking possession?
17. Can a lumber merchant do the same on account of lumber purchased and not paid for?
18. How can a man obtain the privilege of draining his land, over or through another man's land?
19. How is the Railroad Commission constituted? What are some of the duties of this Commission? Does their authority extend beyond the State lines?
20. Is it lawful for the Governor to receive a pass from a railroad in Florida?
21. Why is this not permitted?

CHAPTER XVI.

ARTICLE XVII — AMENDMENTS.

Two modes of originating amendments are thus provided. Thus far, amendments to the present Constitution have originated in the Legislature, according to Section 1. At nearly every session some amendment is proposed, and at some sessions several are proposed. As a general rule, the amendments proposed by the Legislature have been ratified by the people, there having been only one case of a failure to ratify.

The Constitution of the United States, in the century of its existence, has received fifteen amendments. The Constitution of Florida, in less than twenty years, has been amended forty times. Some of these amendment have been merely verbal, but others have been more important. It would seem that the framers of the Constitution of the United States laid down only fundamental and general principles, and left the details to be wrought out by Congressional legislation, while the Constitution of Florida embraces more details.

ARTICLE XVIII — SCHEDULE.

This Article provides for smooth transition from government under the Constitution of 1868 to that under the present Constitution. Hence, after the Constitution of 1885 was fully in operation, the provisions of this schedule were for the most part obsolete. Section 9, however, as it stands, is an

amendment. The original form provided for elections in November of 1888. Afterwards the date was changed to October, and then again to November.

The only other section that has any bearing on the future conduct of the government is Section 14, which is still in force.

ARTICLE XIX — LOCAL OPTION.

The framers of the Constitution proceeded very cautiously in the matter of the prohibition of the sale of liquor. They did not venture to engraft the provisions of this Article upon the Constitution until the people had expressed their will.

Under the provisions of this Article, several of the counties of Florida are nominally "dry." That is, alcoholic beverages cannot be legally sold in those counties. Notwithstanding the secret sale of liquor, the use of alcoholic drink is much diminished in the counties which are "dry," and the expenses of criminal prosecution diminished.

To secure an election to determine whether liquor shall be sold in any county or not, it is necessary for parties interested in having an election held to canvass the county and secure signatures of one-fourth of the qualified voters to a petition, requesting that such election be held. This petition, with its signatures, is presented to the County Commissioners, who canvass it, and if the requisite number of qualified electors have signed the petition, it is the duty of the Commissioners to order the election. The reason for requiring the election to be held at least sixty days after or before a general election is, that the prohibition issue may be

decided on its merits, and not complicated with any other question.

In the adoption of Article XIX, nearly as many votes were cast in favor of local option as were cast for the rest of the Constitution.

ORDINANCES.

The Ordinances are not a part of the Constitution and, with the exception of Ordinance No. 2, very soon after the adjournment of the Convention, they ceased to have any force.

Ordinance No. 1 provides for the submission of this Constitution to the people for ratification, and the proclamation of the Governor as the result.

Ordinance No. 2 provides for a separate vote on Article XIX, concerning local option.

QUESTION ON ARTICLE XVII.

Describe the process of amending the Constitution.

How many amendments have been made thus? How many to the United States Constitution?

What process would be pursued to revise the whole Constitution?

How many members would compose the convention called to revise?

What is the main subject of the schedule?

How was the Constitution put into operation after the convention that framed had sent a certified copy of it to the Governor?

Explain the steps necessary to make the sale of intoxicating liquors illegal in any county.

CHAPTER XVII.

RELATION OF OUR STATE TO THE NATION.

It has been seen that our State is a perpetual member of an indissoluble Union. The Constitution of the United States is the supreme law of the land, and the Constitution of all the States and all the laws passed by the Legislatures of the States, must be in harmony with the supreme law of the land.

The relations of Florida to the nation may be considered under three fundamental heads of governmental powers,—Legislative, Executive and Judicial.

We participate in the Legislative functions of the national government by our Senators and Representatives in Congress.

Each State is entitled to two Senators. The qualifications of a United States Senator, according to the Federal Constitution are as follows: He must be thirty years old, have been nine years a citizen of the United States, and when elected he must be an inhabitant of the State. The Florida Constitution further requires that the Senator shall have been *ten years* a citizen of the United States, *five years* a citizen of Florida, and at the time of his election a qualified voter in the State.

United States Senators are elected by the Legislature for terms of six years. They are paid from the United States treasury five thousand dollars per annum, and are allowed mileage at the rate of twenty cents a mile to and from the sessions of Congress. The mode of election has been given on page 86.

Florida has three Representatives in the lower house of Congress. The ratio of representation for the decade 1903 to 1913 is 194,182. That is, each State is allowed one Representative to 194,182 inhabitants. We had, at the last federal census, twice 194,182, and about 140,000 more. For this fraction, Florida was allowed an additional Representative.

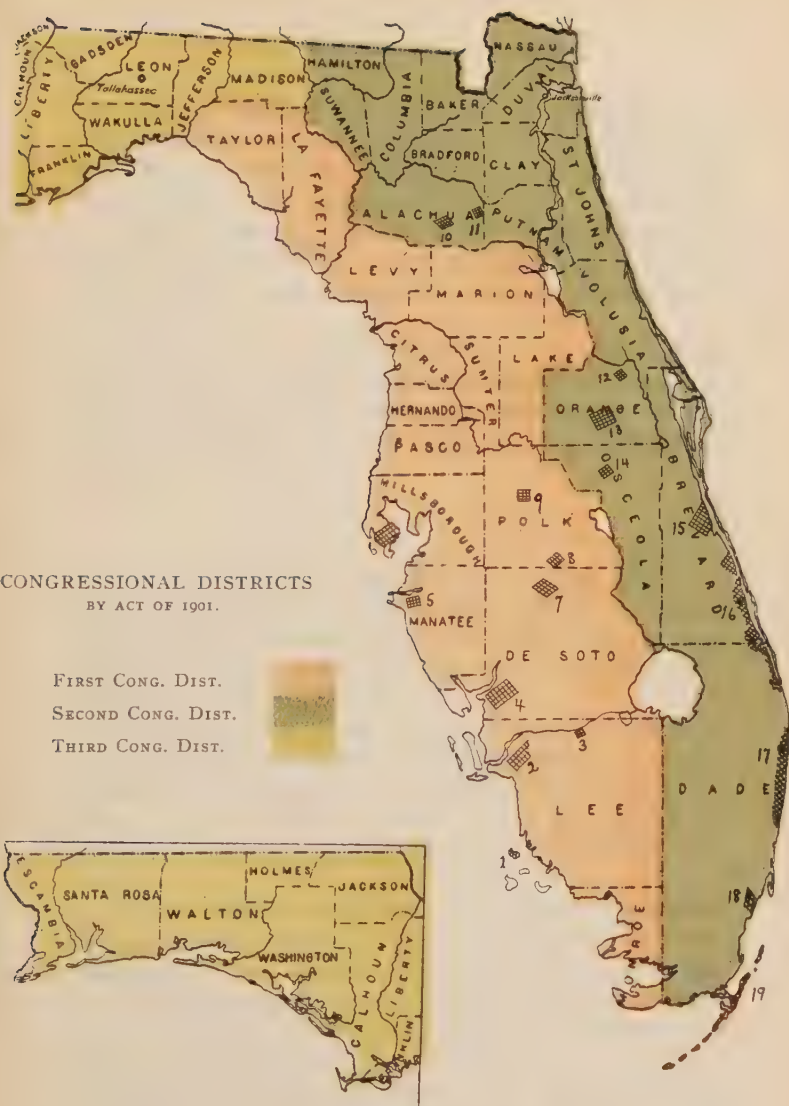
The Representatives are elected by the qualified registered voters by districts. The first district embraces the counties of Taylor, Lafayette, Levy, Marion, Citrus, Sumter, Hernando, Pasco, Hillsborough, Polk, Manatee, De Soto, Lee, Monroe and Lake.

The second district includes Hamilton, Suwannee, Columbia, Baker, Bradford, Nassau, Clay, Duval, Putnam, St. Johns, Volusia, Osceola, Orange, Brevard, Dade, Alachua.

The third district includes Escambia, Santa Rosa, Walton, Holmes, Washington, Jackson, Calhoun, Franklin, Liberty, Gadsden, Leon, Wakulla, Jefferson, Madison.

Representatives are chosen for two years. The salary and mileage are the same as those of Senators. Both Senators and Representatives may be re-elected.

By the Federal Constitution, a Representative must be twenty-five years old, have been seven years a citizen of the United States, and when elected, must be an inhabitant of the State. Our Constitution further requires that he be *ten* years a citizen of the United States, five years a citizen of Florida, and a qualified voter at the time of receiving his certificate of election.



CONGRESSIONAL DISTRICTS
BY ACT OF 1901.

FIRST CONG. DIST.
SECOND CONG. DIST.
THIRD CONG. DIST.

By Pub.

When a vacancy occurs in the Senatorship while the Legislature is not in session, the Governor may appoint any legally qualified person to fill such vacancy until the next meeting of the Legislature.

When a vacancy occurs in the representation of the State in the lower house of Congress, the Governor must issue writs of election to fill such vacancy.

Senators and Representatives are privileged from arrest while attending on sessions of Congress, or while going to or returning from such session, unless they are charged with treason, felony or breach of the peace.

EXECUTIVE DEPARTMENT.

We participate in the election of the President and Vice-President of the United States. In nominating candidates for these offices the political parties of the State send delegates to the national conventions of those parties.

In the democratic national convention, Florida is entitled to ten delegates, being twice as many as the number of Senators and Representatives in Congress. The republican party would be entitled to the same number in the republican national convention.

These delegates may be chosen by the convention system, or the primary election system, as the party committees may decide. So when assembled in the national convention, our State has its just proportion of influence in nominating the President and Vice-President.

In electing the President and Vice-President, Florida is entitled to five electors. These electors

are nominated either by the State convention, if that system prevails, or by a primary election. After nomination, the electors are elected at the general election in November. They meet at Tallahassee on the second Monday in January, to cast their votes for President and Vice-President. In fact, the State law requires them to be present at 12 o'clock of the day before the first Monday, and to notify the Governor of their presence. When they vote, they make three lists of all persons voted for for President and three lists of persons voted for for Vice-President. One pair of these lists is sent by special messenger to Washington and delivered to the President of the Senate; a second one is sent by mail to the same officer; the third is deposited in the office of the Clerk of the United States District Court of the judicial district in which Tallahassee is situated.

On the second Wednesday in February, the President of the Senate, in presence of the House of Representatives, opens the lists from all the States, and the votes are counted and the result declared. For further proceedings, if any are necessary, the reader will consult the Twelfth Amendment to the Federal Constitution.

Another point of contact between the National Government and the State Government, is in the Postoffice System.

The Postoffice Department is one of the Executive Departments of the Nation. All laws regarding postoffices and post-roads are made by Congress. The larger postoffices of Florida stand on lands owned by the United States, having been purchased from private owners. In these premises, the United States laws are supreme, and take the place of

State laws, except that State officers can serve warrants and make arrests therein for violation of the laws of Florida. This right has been reserved by the State. The National Government bears the whole expense of carrying and distributing the mail and maintaining the postoffices. The expense is greater than the income in a sparsely settled State like Florida.

The State has relations with the Executive Branch of the Federal Government through the United States Treasury Department. Under the direction of the Treasury Department, the National Banks provide us with paper money, current in every part of the United States. From the mints we are supplied with coin. Light houses on the coast and beacons and buoys on inland waters have been maintained by the Treasury Department, but are now controlled by the Department of Commerce and Labor. Life saving stations are scattered along the coast. Quarantine stations are established and operated by the Treasury Department. Custom houses are established at various ports. Fernandina, Jacksonville, St. Augustine, Key West, Tampa, Cedar Keys, Apalachicola and Pensacola are ports of entry for foreign goods. The coast survey bureau makes maps and charts for the use of navigators. Large sums of money are appropriated by Congress for the improvement of the rivers and the harbors of the State. The manufacture and sale of liquors and tobacco without a United States license is prohibited, and the Treasury Department attends to such matters.

The War Department of the National Government assists in the instruction of the militia of the

State, and provides uniforms for the enlisted men. It fortifies our harbors, and in case of invasion by a foreign foe, or of a riot, or rebellion too powerful to be controlled by the State authorities, the President will respond to the request of our Governor and send troops to his assistance.

The Navy Department co-operates with the War Department in the defense of our coast. A navy yard for the repair of vessels exists at Pensacola. The Naval Academy at Annapolis educates three young men from Florida free of expense, and afterwards employs them in the navy.

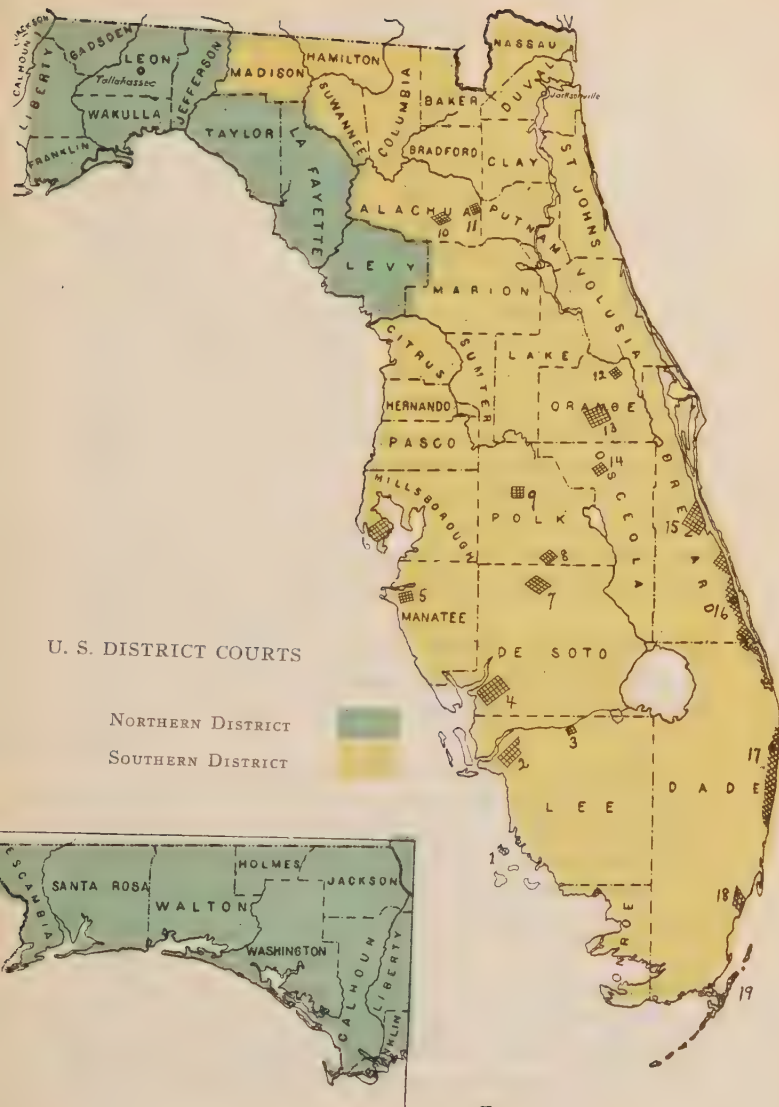
JUDICIAL BRANCH.

We constantly come in contact with the Judicial system of the Nation. There are commissioners in bankruptcy in nearly every county seat. To them are referred the formal steps necessary under the bankruptcy laws of Congress.

But the lowest regular Federal courts in Florida are the United States District Courts.

The State is divided into two districts, known as the Northern District and the Southern District. The Northern District includes the counties of Escambia, Santa Rosa, Walton, Holmes, Washington, Jackson, Calhoun, Liberty, Gadsden, Franklin, Leon, Wakulla, Jefferson, Taylor, Lafayette and Levy. Sessions of this court are held at Pensacola and Tallahassee.

The Southern District comprises the rest of the State. Sessions of the court are held at Jacksonville, Tampa and Key West. The business of these courts is to take cognizance of all offenses on the



high seas and of the less serious violations of the laws of Congress in the district.

The next higher Federal courts are the Circuit Courts. Of these, there are at present time in the whole Union. Florida belongs to the Fifth Federal Judicial Circuit. The fifth circuit comprises Georgia and all the States that touch the Gulf of Mexico. Crimes whose penalty is death must be tried in the Circuit Court. Civil cases, involving the value of \$2,000 or over, must also be tried here.

• The Circuit Court has from two to four judges. Besides, one of the Justices of the Supreme Court of the United States is required to hold court in each district included within his circuit once in two years. A Circuit Court, when in session, may consist of one or more Circuit Judges, or the Supreme Court Justice and a Circuit Judge, or of a Circuit Judge and a District Judge.

The Judges of both classes of courts are appointed for life or good behavior. The salary of a Circuit Judge is \$7,000; that of a District Judge, \$6,000.

The Circuit Court of Appeals hears appeals from the District Courts and from the Circuit Courts. The Judges of the Circuit Courts are also the Judges of the Court of Appeals, but other Judges than those that tried the case originally hear the appeal.

In some cases appeals may be taken to the United States Supreme Court.

That the citizens of the several States may not be oppressed by the Federal Government through the agency of the Federal Courts, the fourth, fifth, sixth, seventh and eighth amendments to the Con-

stitution of the United States were adopted. The student should now read those amendments.

QUESTIONS ON CHAPTER XVII.

What is the supreme law of the land?

Under what heads may we consider the relation of our State to the National Government?

State how we participate in the legislative functions of the United States. Give the qualifications of a U. S. Senator. How are Senators elected? What compensation do they receive. Who are the Senators from Florida?

How many Representatives does Florida have in the lower house of Congress? Who are they? How are they elected? What qualifications must they have? What is the ratio of representation?

In which Congressional district do you live?

What is the term of office of a Representative? What salary?

In case of the death of a Senator, how is the vacancy filled?

In case of the death of a Representative?

What privileges have members of Congress?

How does Florida have any voice in nominating the President of the United States? How many delegates to the national convention does the Democratic party in Florida have? State fully how the President is elected and declared elected. State other points of contact with the Executive Branch of the national government.

Name the United States courts that are open to the citizens of Florida. What district court has **jurisdiction in your** county? Who are the U. S. district judges in Florida? What U. S. Circuit does Florida belong to? Who are the circuit judges? What salaries do these judges receive? What other courts of the United States are there? What is the object of the first ten amendments to the Constitution of the United States?

TOPICAL ANALYSIS.

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EDUCATIONAL.

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CONSTITUTION

OF THE

UNITED STATES OF AMERICA.

PREAMBLE.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I LEGISLATIVE DEPARTMENT.

SECTION I.

Congress in General.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II.

House of Representatives.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No persons shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United

States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SECTION III.

Senate.

1. The Senate of the United States shall be composed of two senators from each State, chosen by the Legislature thereof for six years, and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their officers, and also a president *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmative. When the President of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in case of impeachment shall not extend farther than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

SECTION IV.

Both Houses.

1. The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

The Houses Separately.

1. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house during the session of Congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI.

Privileges and Disabilities of Members.

1. The senators and representatives shall receive a compensation for their services, to be ascertained by law and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time: and no person holding any office under the United States shall be a member of either house during his continuance in office.

SECTION VII.

Mode of Passing Laws.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be

necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

Powers Granted to Congress.

The Congress shall have power:

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States;

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish post-offices and post-roads;

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

9. To constitute tribunals inferior to the Supreme Court;

10. To define and punish felonies committed on the high seas, and offenses against the law of nations;

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the State, in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or office thereof.

SECTION IX.

Powers Denied to the United States.

1. The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or *ex-post-facto* law, shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

7. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

SECTION X.

Powers Denied to the States.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex-post-facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war unless actually invaded, or in such imminent danger as will not admit of delays.

ARTICLE II — EXECUTIVE DEPARTMENT.

SECTION I.

President and Vice-President.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. (The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least

shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then, from the five highest on the list, the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.)*

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

5. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act

*Altered by the XIIth Amendment.

accordingly until the disability be removed or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office he shall take the following oath or affirmation:—

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SECTION II.

Powers of the President.

1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion in writing of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur: and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all others officers of the United States, whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SECTION III.

Duties of the President.

He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and

expedient; he may, on extraordinary occasions, convene both houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION IV.

Impeachment of the President.

The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III — JUDICIAL DEPARTMENT.

SECTION I.

United States Courts.

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION II.

Jurisdiction of the United States Courts.

1. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens, or subjects.*

*Altered by XIth Amendment.

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION III.

Treason.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV — THE STATES AND THE FEDERAL GOVERNMENT.

SECTION I.

State Records.

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION II.

Privileges of Citizens, etc.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up to be re-

moved to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.

New States and Territories.

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

SECTION IV.

Guarantee to the States.

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the executive (when the Legislature cannot be convened), against domestic violence.

ARTICLE V — POWER OF AMENDMENT.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first Article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI — PUBLIC DEBT, SUPREMACY OF THE
CONSTITUTION, OATH OF OFFICE, RELIGIOUS
TEST.

1. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The senators and representatives before mentioned and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office of public trust under the United States.

ARTICLE VII — RATIFICATION OF THE CONSTITUTION.

The ratifications of the Constitutions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth.

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia being necessary to the security of a free State; the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or navel forces, or in the militia when in active service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

ARTICLE IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not granted to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

ARTICLE XI.*

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.**

1. The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and

*Proposed by Congress March 5, 1794, and declared in force January 8, 1798.

**Proposed by Congress December 12, 1803, and declared in force September 25, 1804.

transmit sealed to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them before the fourth day of March next following, then the Vice-President shall act as President, as in case of death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII*

1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.

*Proposed by Congress February 1, 1865, and declared in force December 18, 1865.

ARTICLE XIV*

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male members of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3. No person shall be a senator or representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof. But Congress may, by vote of two-thirds of each House, remove such disability.

4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebel-

*Proposed by Congress June 16, 1866, and declared in force July 28, 1868.

lion against the United States, or claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

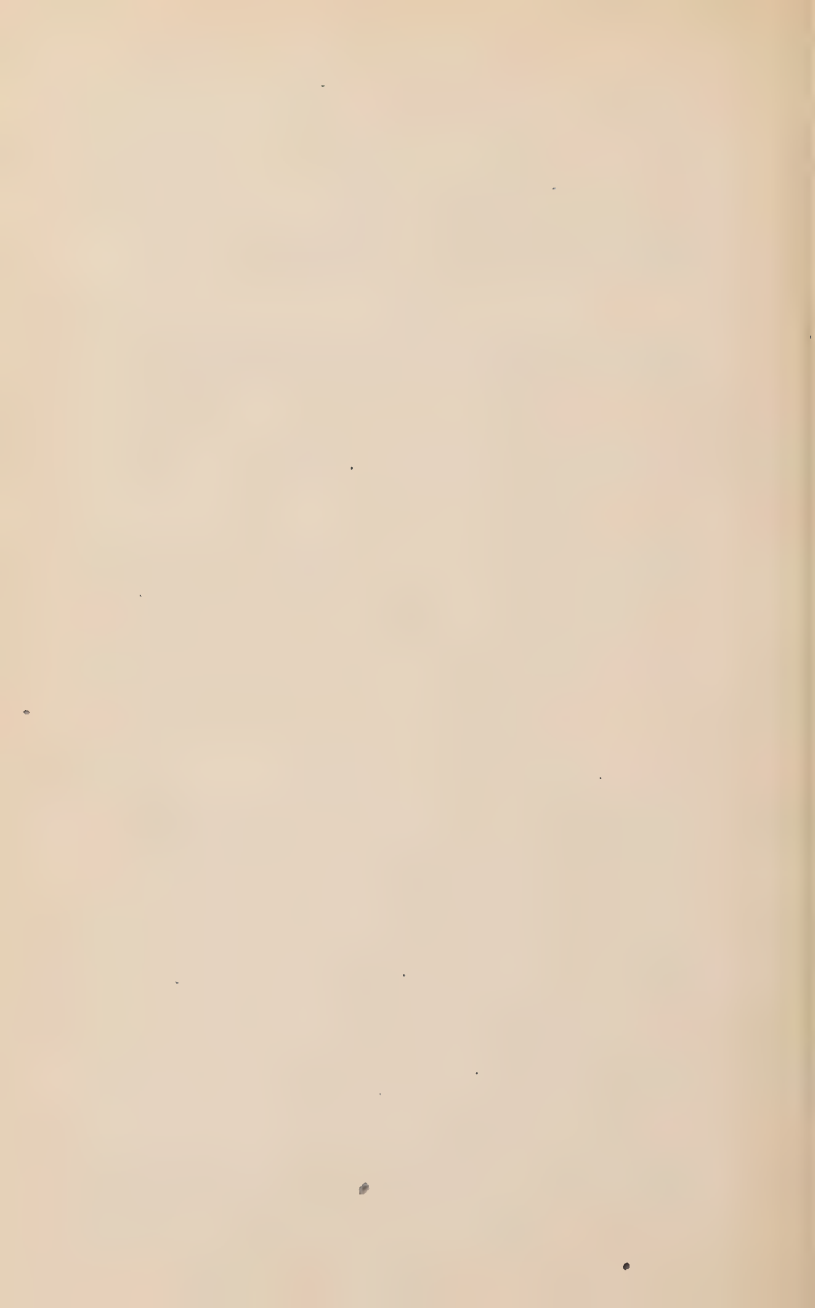
5. The Congress shall have power to enforce by appropriate legislation the provisions of this article.

ARTICLE XV*

1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude.

2. The Congress shall have power to enforce by appropriate legislation the provisions of this article.

*Proposed by Congress February 26, 1869, and declared in force March 30, 1870.



IMPORTANT CHANGES MADE BY THE LEGISLATURE OF 1905.

NEW COUNTY OF ST. LUCIE.—The new County of St. Lucie was formed from Brevard county, having the following boundaries: "All that territory of the county of Brevard, as heretofore existing, which lies south of the following boundary line: Commencing at the north-west corner of Township 31 S. of Range 35 E; thence running east along the line dividing Townships 30 and 31 to the point where said line intersects the medial line of the south fork of the Saint Sebastian River; thence down the middle of the said Sebastian River to its confluence with the Indian River; thence east to the east shore of the Indian River; thence in a southerly direction along the east shore of said river to the township line dividing Townships 30 and 31; thence east following said Township line to the Atlantic Ocean."

THE BUCKMAN BILL.—This bill abolishes the former State Schools located at Lake City, Tallahassee, Gainesville, De Funiak Springs, Bartow and Saint Petersburg, and establishes the University of Florida, and The Florida Female College.

A Board of Control is created to locate both of these institutions and to govern them.

The University of Florida has been temporarily located at Lake City, to be permanently established at Gainesville. The Florida Female College has been located at Tallahassee.

AID TO RURAL SCHOOLS.—The sum of fifty thousand dollars was appropriated to aid such rural schools as are not provided for by chapter 5206, passed by the Legislature of 1903. The schools must maintain an average attendance of 80 per cent of the enrollment; and the money is to be spent in extending the term.

PART SECOND.

THE CONSTITUTION
OF THE UNITED STATES.

CHAPTER I.

ORIGIN OF THE CONSTITUTION.

The United States of North America became a nation at the close of the Revolutionary War. The immediate and acute causes of the Revolutionary War date from 1765. The ten years from 1765 to 1775 were years of struggle by the American colonies for greater freedom *under the British government*. Independence was not sought. The colonies were united only by the common danger and were still *colonies of the British Empire*.

In 1776 the Second Continental Congress passed the Declaration of Independence. The title of this celebrated document was:

“A Declaration by the Representatives of the *United States of America* in Congress Assembled.”

The gist of the Declaration was in these words:

“That these *united colonies* are, and ought to be, free and *independent states*; that they are absolved from all allegiance to the British crown, and that all political connection between them and the *state* of Great Britain is, and ought to be, totally dissolved; and that as *free and independent states* they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which *independent states* may of right do.”

So the *colonies* declared themselves *states* and assumed the prerogatives of sovereignty.

Fully engaged now in the war for independence, the new states felt the need of articles of agreement. Safety and success demanded that the states should

act together. So they formed a *confederacy* and in 1778 the congress prepared "*Articles of Confederation.*" As these articles were not binding until ratified by all the states, and as one state, Maryland, refused for three years her assent, the government was carried on by common consent and without any written constitution until 1781.

From 1781 to 1787 the United States Government was carried on under the Articles of Confederation. It could scarcely be called a government. It was feeble. Congress had no power to enforce the recommendations it made. Any state might comply with the requests of Congress or it might neglect or refuse to do so. Of course, this was contrary to the agreement, but some excuse was always ready to justify the refusal.

So the government grew weaker year by year and the time seemed near at hand when the whole fabric would fall to pieces. *Government under the Articles of Confederation had proved a failure.*

James Madison has been called The Father of the Constitution. His state, Virginia, under the leadership of Madison, Randolph and Washington, proposed a convention to consider what changes were needed. All the states were invited to send delegates to Annapolis in 1786. Only five states, however, were represented. This convention proposed another to meet in Philadelphia in May, 1787. The proposal was favorably received and the *Constitutional Convention* met. In the character of its members, in the difficulty of the task before it, and in the successful result of its labors this must be considered the most distinguished and important convention ever held in America.

Washington presided. Franklin, Madison,

Hamilton, the two Pinckneys and many other men of note took part in the deliberations. The convention adjourned September 17, 1787.

The next question was whether the states would ratify the Constitution. It would be necessary for nine states to ratify before it could go into effect. The Constitution had powerful opponents. Some objected that the convention had exceeded its powers, having been authorized only to revise the Articles of Confederation. Others complained that there was no Bill of Rights and that liberty was endangered. But the ground for hesitation undoubtedly was that the states were required to part with a portion of their prerogatives and that the new Constitution conferred power upon the general government to enforce its laws.

A remarkable series of papers published in certain of the newspapers of the day argued with great ability for the new Constitution. The papers were all signed with the fictitious name, *Publius*, but are now known to have been written by Hamilton, Jay, and Madison. They are published, now, as *The Federalist*, and constitute the ablest commentary on the Constitution that exists.

In June, 1788 nine states had ratified the Constitution and Congress arranged for the election of a President and appointed March 4, 1789 as the day on which the new government should begin.

Owing to various causes the inauguration was delayed until April 30, 1789 when George Washington took the oath of office as President of the United States.

The debates in the Constitutional Convention were conducted with great spirit almost amounting to bitterness. Several times it seemed that the con-

vention would break up in disorder. Some of the points of disagreement were as follows:

1. The small states feared that they would become relatively less important in the new government. Hence they insisted that each state should have the same representation in Congress.

2. The states whose boundaries had been defined by their charters demanded that the vacant lands west of the Alleghanies should belong to the whole nation and not to the states which extravagantly claimed them.

3. The slave-holding states wanted a slave to count as much as a freeman in determining how many representatives each state should have in Congress.

4. The slave-importing states feared lest the slave trade should be prohibited.

5. The clauses which deny to the states certain powers and delegate the same to Congress, caused violent opposition. The prohibition on the states to issue paper money as a legal tender kept Rhode Island and North Carolina out of the Union several months after the Constitution had gone into operation in the other states.

In the convention *two plans* for action were proposed. The first is called the *Virginia plan*. It was laid before the convention by Mr. Randolph. The other plan is called the *New Jersey plan* because it was presented by the delegates from that state.

The Virginia plan assumed that the convention had authority to devise a form of government suitable to the purpose *without regard to the Articles of Confederation*. The New Jersey plan assumed that the authority of the convention was limited to *re-*

vising the *Articles of Confederation* without making fundamental changes.

Mr. Wilson of Pennsylvania, in a speech before the convention contrasted the two plans in the following words:

1. *In the Virginia plan there are two and in some degree three branches in the Legislature (Congress); in the plan from New Jersey there is to be a single Legislature only.*
2. *Representation of the people at large is the basis of one (the Virginia plan); the State Legislatures the pillars of the other.*
3. *Proportional representation prevails in one, equality of suffrage in the other.*
4. *A single Executive Magistrate is at the head of one; a plurality is held out in the other.*
5. *In the one a majority of the people of the United States must prevail; in the other a minority may prevail.*
6. *The National Legislature is to make laws in all cases to which the separate states are incompetent; in place of this Congress is to have additional power in a few cases only.*
7. *A negative on the laws of the states; in place of this coercion is to be substituted.*
8. *The Executive (President) to be removable on impeachment and conviction in one plan; in the other to be removable at the instance of a majority of the Executives of the states.*
9. *Revision of the laws provided for in one; no such check in the other.*
10. *Inferior national tribunals in one; none such in the other.*
11. *In the one jurisdiction of national tribunals to extend, etc., appellate jurisdiction only allowed in the other.*
12. *In the Virginia plan the jurisdiction to extend to all cases affecting the national peace and harmony; there a few cases only marked out.*
13. *Finally the ratification (in the Virginia plan) is to be by the people themselves; in*

the New Jersey plan by the Legislative authorities, according to the thirteenth Article of the Confederation.

QUESTIONS.

1. What were the colonies striving for in the ten years from 1765 to 1775?
2. Give the title of the Declaration of Independence.
3. What did that Declaration affirm as to the political *status* of the colonies?
4. When were the Articles of Confederation prepared? Why were they prepared?
5. Did all the States agree to them at once?
6. How was the government carried on in the meantime?
7. For how many years was the government carried on under the Articles of Confederation?
8. Why did these articles not prove satisfactory?
9. Who has been called "The Father of the Constitution"?
10. What other eminent statesmen were associated with him?
11. When did the constitutional convention meet? When adjourn?
12. Did the new constitution suit everybody?
13. When did it go into operation?
14. What five questions caused most discussion in the convention?
15. What two plans were offered to the convention?
16. Tell some of the differences between these two plans.
17. Of how many articles is the Constitution composed exclusive of the amendments?
18. How many articles of the amendments are there?
19. What are the subdivisions of the articles called?
20. What are the further subdivisions called?

CHAPTER II.

PREAMBLE AND ARTICLE I.—LEGISLATIVE DEPARTMENT.

Preamble.—The first seven words contain the whole doctrine of democracy. *The people* are the rulers and all political power is derived from them. Note that the *states* do not establish this Constitution, but the *people*. In determining whether our government is national or federal (confederate) the phrase here used has a certain significance, as will be seen further on.

The seven purposes for which this Constitution was established certainly comprise all the ends of a good government.

Article I., Section I. The advantage of two houses of Congress was thought to lie in the mutual checks thus afforded.

“Despotism comes on mankind in different shapes. Sometimes in an executive, sometimes in a military one. Is there no danger of a Legislative despotism? Theory and practice both proclaim it. If the Legislative authority be not restrained, there can be neither liberty nor stability; it can only be restrained by dividing it within itself into distinct and independent branches. In a single House there is no check but the inadequate one, of the virtue and good sense of those who compose it.”—Mr. Wilson in convention.

The above view prevailed and two houses were established, though the Congress under the Articles of Confederation had only one chamber.

Another reason for two houses was found in the jealousy of the small states. They insisted that

in the legislative body each state should enjoy equal power with every other state. Others contended that the most populous states ought to have the most influence. A compromise was made by making two houses of Congress, in one of which the *states* should have equal power, and in the other the *people* should be represented according to their numbers.

Article I., Section II. Electors here means voters. Clause 3 has been changed by the XIVth amendment as may be noticed. "Three-fifths of all other persons" means slaves. Since slavery has been abolished these words have no significance.

The *ratio of representation* changes every ten years. The Congress decides how many members shall be in the House of Representatives for the next ten years. Then, when the census has been taken and the population of the United States is known, the ratio is found by dividing the whole number of persons, excluding Indians not taxed, by the number of members the House is to have. Thus, the population of the states excluding Indians not taxed, was, in 1900, 74,954,252, and this divided by 386, the number of members in the House, gives 194,182, the ratio of representation for the decade.

Representatives are elected by districts. If a state has population enough to give it three representatives the state is divided into three congressional districts and each district elects a representative. If a state is entitled to only one representative, or if by a new apportionment a state has one more than before and the Legislature has not redistricted the state, a new representative is voted for by all the people of the state. Representatives voted for in this way are said to be "at large."

The population of some states is so small that they would not be entitled to any representative were it not for the clause "but each state shall have at least one representative." Delaware, Idaho, Montana, Nevada, Utah and Wyoming have one each. On the other hand, New York has thirty-seven—nearly one-tenth of the whole House.

The speaker is the presiding officer of the House. He occupies a very influential position. It has been said that his power is second only to that of the President. He has this influence partly because he has the confidence and esteem of his party, as is shown by his election to the speakership; partly by his appointment of the committees; partly by his power to "give the floor" to whomsoever he pleases. The member who rises first and addresses the chair is not always allowed to speak. The speaker is conveniently blind and deaf, and sees and hears only the person whom he has agreed to see and hear. This seems unfair, but is not altogether so. The committee in charge of any bill has notified the speaker beforehand what members are qualified to explain the measure, giving names of persons on both sides of the question and the speaker recognizes these persons in order, no matter who may claim the floor at the same time.

The other officers of the House are not members. The principal ones are the clerk, the sergeant-at-arms, the doorkeeper, the postmaster, and the chaplain. The chief duties of these officers are indicated by their titles but each has other duties not so indicated. Each of these officers has many assistants.

Article I., Section III. 1.—The political equality of the states is recognized in this clause. In the convention strife arose over the question o

the relative power of the states in the Congress. Under the Articles of Confederation there was only one chamber in Congress, and in this each state had an equal vote. Though some states had more delegates than others, when it came to voting each state had only one vote. In framing the new Constitution, the small states demanded the same rule, while others thought that the influence of a state ought to depend upon the number of inhabitants in that state. A violent controversy arose which was settled by making *two houses*, in one of which the *people* of the states should be represented according to their numbers, and in the other the *states* should be represented by equal membership.

The mode of choosing the Senators is prescribed by Congress. (See page 86 old edition.)

2. The division of the Senators into classes secures a permanency in that body which is not found in the House. As only one-third of the Senators go out of office at one time and as many of these are re-elected the Senate always has a majority of experienced members. So the Senate does not respond so quickly to changes in public opinion and hence is more stable than the House.

When the Senators from a newly admitted state present themselves, they are assigned to different classes so that they may not go out of office together.

5. Early in the first session of a Congress the Vice-President withdraws from the room in order to give opportunity for the Senate to elect a vice-president pro tempore. Should the Vice-President be called to fill the President's place the president *pro tem.* would preside regularly over the Senate and

would draw the salary allotted to the Vice-President, but he would not properly be called vice-president.

Sec. IV. 1.—Congress has prescribed that representatives shall be elected by districts, and that the election shall occur on the first Tuesday after the first Monday in November of the even-numbered years. It has also prescribed the time and manner of the election of Senators, but has no power to fix the place of election.

2.—“A Congress” begins on March 4 of the odd-numbered years and lasts two years. Generally, however, there is no session until December. There may be a special session called, however. The first regular session of each new Congress begins on the first Monday in December. This session may last a full year, but generally the session ends in the early summer. This is the *long session*. The next December the *short session* begins and it must end March 4. The Congress beginning March 4, 1905, and ending March 4, 1907, is the Fifty-ninth Congress.

QUESTIONS.

1. What is the fundamental doctrine of democracy?
2. Name the purposes for which this constitution was established.
3. What is the title of the legislative body of the United States?
4. Why were two chambers or houses considered better than one?
5. When are the members of the House of Representatives chosen?
6. Who may vote in choosing them?
7. Give the conditions of eligibility as representative.
8. What is the number of representatives at the present time?
9. What is the ratio of representation now? What was it in 1787?

10. How many representatives does your State have?
11. How is a State divided for purpose of choosing representatives?
12. What is a representative "at large"?
13. How often is the ratio changed?
14. What State has the most representation?
15. Name some States that have only one.
16. What is the title of the presiding officer of the House?
17. Has he much influence?
18. Name some of the other officers of the House.
19. If a representative die, how is his place filled?
20. What judicial power is conferred on the House by clause 5, Sec. II.?
21. What did the small States fear from the movement to make a new constitution?
22. Did the States have equal powers in the Congress under the Confederation?
23. How were the opposing views reconciled?
24. How many senators are there?
25. Who are the senators from your State?
26. What is the term of office of a senator?
27. How are they chosen?
28. What is the advantage of dividing the senators into classes?
29. What are the conditions of eligibility?
30. Who presides over the Senate?
31. Does he vote?
32. Who presides when the vice-president is absent?
33. What judicial power has the Senate?
34. Who ordinarily presides at an impeachment trial?
35. What majority of the Senate is needed to convict an impeached officer?
36. Was President Johnson impeached?
37. What penalty can the Senate impose?
38. What action has Congress taken under clause 1, sec. IV.?
39. When does a Congress begin, and how long does it last?
40. Distinguish between the *long session* and the *short session*.

CHAPTER III.

Article I., Section V. 1.—This clause puts it in the power of each House to admit or reject any person presenting himself for membership. He may be rejected on account of irregularities in his election or if he is thought to be constitutionally ineligible or of improper character. Generally in such cases there is some other person who claims the place. The one whose credentials are first presented or seem to come from the proper source is admitted pending an investigation at the hands of a committee. The one who is at last rejected is generally allowed a sum sufficient to pay the expenses of the contest.

Members of Congress are sometimes remiss in their duties and absent themselves from the meetings of their respective houses. In this case it is sometimes necessary to send after them. They are arrested by the Sergeant-at-Arms and brought to the House or Senate and required to explain their absence.

3.—The journals of the Senate and House form a large part of the political history of the nation. They are published in book form and are widely distributed. In addition to these publications there is now printed a daily report of the proceedings called the Congressional Record. Sometimes, in case of war for instance, some of the proceedings ought to be kept secret and hence this provision is made.

When the *yeas* and *nays* are demanded the roll is called and each member votes by answering "yea" or "nay" or "aye" or "no" and his vote is recorded and published. This shows the people how each man has voted on the measure in question and en-

ables his constituents to call him to account. Sometimes the privilege of demanding the *yeas* and *nays* is used by a factious minority to defeat a bill that might otherwise pass, for it takes considerable time to call and record and verify the roll and so the time may be spent without any progress. This is "filibustering."

Section VI. 1.—The salaries of members of the Senate and members of the House are the same and are fixed by law of Congress. The amount has been fixed at different times at the following figures: Six dollars per day while sitting, \$1,500 per annum; \$8 per day, \$3,000 per annum; \$5,000, \$7,500, \$5,000 per annum. This last sum dates from 1874. Besides the salary each member receives 20 cents per mile traveled in going and returning. There is also an allowance for stationery, etc. The speaker of the House receives \$8,000. Members can not be arrested for slight offenses while attending Congress, otherwise some might be kept from the sessions when their votes were important. Members can not be sued for anything spoken in debate.

2.—This clause prevents the creation of lucrative offices to be occupied by the men whose votes have created them.

Section VII. 1.—The small states offered this provision on condition that each state should have equal representation in the Senate. The larger states did not consider it a fair trade but accepted it to prevent the breaking up of the convention. It may be said that it reserves to the people the power to control the government in many respects, for without money the government can not exist. The bills for raising revenue are often so amended in the Senate, however, that they are really new bills.

2.—This clause takes up a bill after it has passed the house in which it originated, but before that time it has been considered and discussed for some days. The real legislation of the House of Representatives is done in the committees. The bills introduced are so numerous that it would be impossible for the whole House to give each one careful consideration. So the work is distributed among the standing committees, of which there are about fifty. On certain regular days the roll of members is called and those who have bills to offer do so. Each bill is read by its title and referred to an appropriate committee. Thus each committee soon becomes possessed of many bills, only a few of which will receive much attention. Those that are thought important are studied and amended and reported by the chairman of the committee. They are then placed upon the calendar to be considered by the House in due order. Some member has charge of each bill and is expected to claim consideration for it at the proper time. Certain persons also have been agreed upon to speak for the bill, and some provision is made for those opposed to the bill to state their objections. The bill in printed form is before each member so that he may vote intelligently. It is read three times either in whole or by title, and these readings are generally on three different days. After the second reading debate is in order and amendments may be offered, and voted on. It is then *engrossed* by an expert penman on paper. On the third reading the bill is voted upon and if passed by the House it goes to the Senate, where it must pass through the same course, and be returned to the House with whatever amendments the Senate has made, if any. If amendments have been made and

the House agrees to them they are incorporated in the bill which is then *enrolled* and copied on parchment, signed by the Speaker, taken to the Senate, signed by the President of the Senate, carried back to the House and put in charge of the committee on enrolled bills by whom it is taken to the President of the United States as provided in clause 2, Sec. VII now under consideration.

A pocket veto is given when the President fails to return the bill within ten days, and Congress in meantime adjourns.

The veto of the President is not absolute. The effect of his refusal to sign the bill causes it to be more carefully considered and is a check upon hasty legislation and upon "the tyranny of the majority."

3.—This clause prevents Congress from passing important measures without the concurrence of the President.

Sec. VIII. This and the two sections immediately following define the relation between the *general government* and the *state governments*. This was, in the convention, an all-important question. Under the Confederation the states had all the power. Now the power of the states is abridged and a great deal of power given to the general government which thus becomes *national*

1.—The first clause empowers Congress to tax the people. "Taxes" here refer to poll taxes and property taxes. These are direct taxes and have seldom been levied by Congress. "Duties and imposts" refer to the tax on imported goods. Many articles brought to this country from other countries are taxed and the importer pays the "duty" and then adds it to the price for which he sells the goods. This is the principal source of revenue to the United

States. "Excise" is understood to mean the taxes that are laid on goods manufactured in the United States. Beer, distilled liquors, tobacco, etc., are thus taxed.

The phrase "provide for the common defense and general welfare" has been considered authority for doing a great many things which are not distinctly named in the Constitution as allowable for Congress to do. The *strict constructionists* have claimed that Congress is authorized to do *only those things expressly named* in the Constitution, while the *loose constructionists* have opposed this view.

4.—Persons born in foreign countries may become citizens of the United States after five years residence here. The declaration of intention to become a citizen may be made at any time, and in two years, afterwards full citizenship may be acquired, provided five years in all have elapsed since coming to this country. Chinese can not be naturalized.

8.—Authors of books, maps, etc., may secure the sole right to the manufacture of their books, maps, tc., by applying to the Librarian of Congress, who will send information and blank forms. The expense is one dollar and the copyright is good for 28 years and may be renewed for 14 years longer. Inventions may be patented for 17 years at an expense of \$35 or \$40 for fees.

9.—The inferior tribunals are described under Article III.

17.—This refers to the District of Columbia.

 The classification of the powers of Congress should be studied from the Tabular Analysis.

Section IX. 1.—This clause refers to African slaves. In 1808 the importation of slaves was forbidden. The clause is now obsolete. Chinese immigration is restricted, though not entirely forbidden.

2-3.—These clauses have been explained on a previous page. See index.

4.—Capitation tax is what is usually called poll tax. Income taxes are direct taxes, and while they have been levied and collected on several occasions the last attempt to provide for an income tax failed, because it was pronounced unconstitutional as violating this clause.

5-6.—There can be no Lords, Princes, Dukes, etc., created by any authority of the United States. The acceptance of a present might lay a public officer under obligation to some foreign power or be considered as a bribe to influence his official action. Private citizens can, of course, receive presents.

Section X. These restrictions on the states take from them many of the attributes of sovereignty and make the government *national*.

QUESTIONS.

1. Must the House of Representatives receive as a member any one who comes with properly authenticated certificate of election?

2. Is the attendance of members compulsory?

3. Can the Senate expel a member?

4. Must the House publish a journal of the proceedings?

5. What is the purpose of the provision respecting the *yeas* and *nays*?

6. What restrictions are laid on the House and Senate concerning adjournment?

7. What compensation do senators receive?

8. What privileges do they enjoy?

9. Suppose, on his way to the Capitol to attend a session

of the House, a member is involved in a fight, can he be arrested?

10. Can a man be sued for slander on account of words uttered in a speech in Congress?

11. Can a member of Congress be at the same time a postmaster?

12. Can a member resign from Congress and then be appointed to an office which was created during the time he was a member? Does this apply to all officers, civil and military, State and federal?

13. What kind of bills must originate in the House? What power has the Senate over such bills?

14. State the part which the President has in making laws.

15. Explain the difference between taxes, duties and excises.

16. Name five of the enumerated powers of Congress which you consider most important.

17. Are letters of marque and reprisal now granted by nations at war?

18. How may a foreigner become a citizen?

19. Explain the terms *habeas corpus* and *ex post facto*.

20. Can a private citizen receive a title of any kind from a foreign government?

CHAPTER IV.

ARTICLE II.—EXECUTIVE DEPARTMENT.

Section I. It is here stated that the executive power is vested in the President. He is doubtless the chief executive but many other officers assist him and share with him executive functions. The term of four years seems to have been wisely chosen. In a shorter term he would scarcely be able to carry out the policy and principles on which he was elected. If he proves acceptable, a second term can generally be obtained for him. In France, where the term is seven years, many of the presidents have found the time too long.

2. It was the original intention of the Constitution that the election of a president should be entrusted to a limited number of wise and good men chosen for that purpose. They were to be free to exercise their judgment and elect the man whom they regarded as the best qualified for the high position. As it is, however, the electors are tacitly pledged to support a party nominee and their action is simply to register the will of the people as expressed at the polls.

The electors were at first chosen variously, some by the state legislatures, others by the people at the election. At the present time the electors are chosen by the people on a general ticket—not by districts.

3. Clause 3 is not now in force, having been superseded by the twelfth amendment. Even before the election of Thomas Jefferson attempts were made to remedy the defects of the original provision for the election of the President in case the electoral college failed to make a choice. The struggle over the election of Jefferson showed the necessity of the change, which is made by the amendment. Now, the President and Vice-President are almost sure to belong to the same political party and so can work in harmony and in case the Vice-President is called to the presidential chair no great change in the policy of the executive department will occur.

The election of President has devolved upon the House of Representatives only twice and the election of a Vice-President has been made by the Senate only once. The names are Thomas Jefferson, John Quincy Adams, and Richard M. Johnson—the last a vice-president.

The disputed election of 1876 involved nearly

all the possible elements of error and uncertainty, and only the forbearance and patriotism of the Democratic leaders prevented a condition of anarchy.

The processes of casting and counting the votes for President and Vice-President are described in Chapter XVII of Part I of this book to which the reader is referred.

4. Congress has fixed the first Tuesday after the first Monday in November as the date of the election of electors, and the second Monday in January as the day on which the electors cast their votes.

6. At the time of the adoption of the Constitution there were some prominent citizens who had not been born in this country, notably Alexander Hamilton, who was a native of the West Indies. Hence the wording of this clause. The presidency is the only office to which a naturalized citizen can not be elected. The vice-presidency is included in this provision by the last clause of the twelfth amendment.

6. Congress has provided that the order of succession to the presidency shall be as follows: Secretary of State, Secretary of the Treasury, Secretary of War, Attorney General, Postmaster General, Secretary of the Navy, Secretary of the Interior, Secretary of Agriculture. If any one of these should be constitutionally ineligible he would be omitted and the office fall upon the next in order. Of course only some accident to a train or boat or in a public gathering or some epidemic could make this law operative.

7. The compensation of the President was \$25,000 until 1873, when it became \$50,000. This is very small compared to that of the president of

France, who receives about \$120,000 with the same sum additional for expenses.

Section II. 1.—The executive departments al-luded to are as follows:

Department of State, Treasury Department, War Department, Navy Department, Postoffice Department, Interior Department, Department of Justice, Department of Agriculture, Department of Commerce and Labor.

The head of the Department of Justice is called the Attorney General, and the head of the Postoffice Department is the Postmaster General. The heads of the other Departments are called Secretaries. These officers constitute the Cabinet. They are appointed by the President and confirmed by the Senate. Each receives \$8,000 per annum.

2.—Treaties are generally negotiated by the Secretary of State with approval of the President and then submitted to the Senate for ratification.

Ambassadors are representatives of the Government appointed to live at the capitals of other nations and be the channel through which the different governments hold intercourse. All the principal nations of the world have such representatives at Washington, and in turn we have Ambassadors at all the principal capitals of the world.

Our representatives at London, Berlin, Paris, Vienna, Rome, Mexico and St. Petersburg are of the highest rank and are styled Ambassadors Extraordinary and Plenipotentiary. At most of the other capitals our representatives are called Envoys Extraordinary and Ministers Plenipotentiary. The highest salary paid to any one of these is \$17,500. These officers are in the *Diplomatic Service* of the United States. They represent the Government. The

Consular service consists of men who are appointed to guard the rights of individual citizens and to study the commercial affairs of the world in the interest of our commercial and industrial development. There are about 750 Consuls and Vice-Consuls living abroad.

While the appointment of these officers and thousands of others are made by the President, he must depend on the recommendation of the Senators and Representatives from the different states for his knowledge of the character and qualifications of his appointees. This gives an immense power to the members of Congress. The multitudes of applicants for appointment and the persistence with which they urge their claims consume the time and occupy much too large a part of the attention of the members. And yet it is doubtful if our Congressmen would be willing to relinquish this "patronage."

Section III. The President's message is sent to the Congress at the beginning of each session. Washington and Adams went in person to the capitol and delivered the message orally. Jefferson sent the message in to be read by one of the clerks. Considerable interest attaches to the reading of the message when the President is new.

Section IV. Impeachment cases are rare. The terms of most officers are so short that it is unnecessary to remove them by impeachment. The impeachment is similar to an indictment by a grand jury. The House of Representatives has the sole power of impeachment. A committee is appointed to investigate the charges, and if the House thinks there are sufficient grounds for such action resolutions or articles of impeachment are drawn up and a committee appointed to conduct the trial. The

Senate has the sole power of trying impeached officers. Two-thirds of the members of the Senate must vote for conviction or the impeachment fails. The Vice-President presides unless the President is on trial.

Only one President has been impeached and he was not convicted. The last case at this date was that of one of the United States district judges of Florida. The impeachment was made by the House but the judge was acquitted by the Senate. Members of Congress are not officers in the sense of this section.

QUESTIONS.

1. State the mode of election of President now in force.
2. How does it differ from the original mode?
3. When are electors chosen; when do they meet, and when are their votes counted?
4. How many electors does your State have?
5. How many electors in all the States?
6. How is the President nominated?
7. Is an elector at liberty to vote for anyone he pleases?
8. State the length of term of office, and the salary of the President.
9. What are the conditions of eligibility to the presidency?
10. What is the law of succession to the presidency?
11. What are the executive departments?
12. Who are now the heads of departments?
13. What salary does the Secretary of State receive?
14. Name some of the powers of the President.
15. Name some of his duties.
16. How may a President be removed?
17. Has a President ever been impeached?
18. What are the duties of the Vice-President?
19. What are the conditions of eligibility to the vice-presidency?
20. What salary does the Vice-President receive?

CHAPTER V.

JUDICIAL DEPARTMENT.

Section I. The United States Courts now established are one Supreme Court, nine Circuit Courts, ninety District Courts, nine Circuit Courts of Appeal, one Court of Claims. Besides these the District of Columbia has a separate system of courts.

The Supreme Court consists of a Chief Justice and eight Associate Justices. The sessions are held in the capitol building at Washington during the winter months of each year.

Each Associate Justice has supervision of a circuit and is required to be present at a session of the court for that circuit at least once in two years. The Supreme Court of the United States is one of the most admired features of the Government and a position on the Supreme Court bench is worthy of the highest ambition of a lawyer.

The appointment is for life, but a judge may be retired at the age of seventy and receive his full salary thereafter, provided he has served ten years. The Chief Justice receives \$13,000 per annum. Each of the Associate Justices receives \$12,500.

There are in the United States nine *United States Judicial Circuits*. Several states are united to form a circuit. Thus the fifth circuit comprises Georgia and all the states that border on the Gulf of Mexico. Each circuit has several Circuit Judges. There are twenty-seven judges in all. As already stated one of the Justices of the Supreme Court has a general supervision over a circuit. The Circuit Judges receive \$7,000 per annum.

The *Circuit Court of Appeals* for a given circuit consists of the several judges of that circuit and the judge from the Supreme Court. Sometimes a United State District Judge is called to serve temporarily in the Court of Appeals. Formerly all cases appealed from the Circuit Court were taken to the Supreme Court. The Supreme Court was thus overburdened and hence the Circuit Courts of Appeals were established.

The *District Courts* are inferior to the Circuits. Each state has one or more District Courts. Thus Florida has two Districts and two District Judges. The salary of a District Judge is \$6,000 per annum.

The *United States Court of Claims* meets in Washington. The United States can not be *sued* in the ordinary sense of the term. If an individual has a claim against the Government he may present his case to the Court of Claims where it will be examined according to the forms of law and if it seems that the claim is valid Congress will appropriate money to pay it. But the court has no power to enforce payment.

The Chief Justice of this court is paid \$6,500 and each of his four associates receives \$6,000.

The various courts established in the District of Columbia are similar to other United States courts.

United States commissioners are judicial officers of the Federal Government appointed to attend to certain details of the law and to arrest and commit for trial offenders against the laws of Congress.

Section II. Jurisdiction of Federal Courts.

Most of the courts that are held in any state are State and County Courts. Comparatively few cases come before the United States Courts. The follow-

ing schedule sets forth the jurisdiction of the United States Courts as it is expressed in the Constitution. The reader will see that cases are classified in two ways: namely, as to the subject matter of the suit and as to the parties involved.

All suits must be begun in an "inferior court" except when the United States is a party or when Ambassadors, Consuls, etc., are concerned. Certain suits may be appealed to the Supreme Court. No further attempt at explanation is here made.

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|-----------------------------|--|---|---|--|
| 1. As to Kinds
of Cases. | { | 1. Cases arising under <table border="0" style="display: inline-table; vertical-align: middle;"> <tr> <td style="vertical-align: middle; font-size: 4em;">{</td> <td style="vertical-align: middle;"> 1. The Constitution.
 2. Treaties.
 3. Laws of Congress. </td> </tr> </table> | { | 1. The Constitution.
2. Treaties.
3. Laws of Congress. |
| { | 1. The Constitution.
2. Treaties.
3. Laws of Congress. | | | |
| | { | 2. Cases of admiralty and maritime jurisdiction. | | |
-
- | | | |
|----------------------------------|---|---|
| 2. As to Parties
to the Suit. | { | 1. Ambassadors, Consuls, etc.
2. Where U. S. is a party.
3. Where a State is a party.
4. Citizens of different States.
5. Citizens of same State claiming same land from different States.
6. Foreign States or citizens of foreign State.
7. See XIth Amendment. |
|----------------------------------|---|---|

3. As nothing is said in this clause about *civil* cases many supposed that such cases might be tried in a Federal Court without a jury. This was not satisfactory and so the Seventh Amendment was adopted. (See Amendment VII.)

Section III. I.—Prosecution for treason has always been an instrument of tyranny. Sometimes the most trifling offenses against the Government have been construed as treason and have caused the death of the offender. The definition of treason here given is substantially the same as in England since

William III. and serves to protect the citizens from injustice in times of great political excitement.

2.—The punishment of treason was made death by hanging in 1790, but in 1862 it became death, or imprisonment at hard labor not less than five years and a fine of \$10,000.

It is to be noted that Congress can not declare a person guilty of treason.

QUESTIONS.

1. What is the highest court in the United States?
2. How many judges constitute that court?
3. What length of time do they serve?
4. How can they be removed?
5. When too old to serve, what provision is made for them?
6. What salary does each receive?
7. Who is the present Chief Justice of the United States Supreme Court?
8. How many circuits courts are there?
9. What judges preside in these courts?
10. To what circuit does this State belong?
11. How many judges in this circuit?
12. What is the salary of a circuit judge?
13. To what court may appeals be made from the Circuit Court? *Ans.* The most important may be taken to the United States Supreme Court; the others to the Circuit Court of Appeals.
14. Below the circuit courts what courts are there?
15. How many districts in your State?
16. What salary does a district judge receive?
17. Why are the terms of the district courts generally held at a seaport?
18. How can a person collect a claim against the United States?
19. In what cases does the United States Supreme Court have original jurisdiction.
20. Can a State be sued?
21. Give the definition of treason? Why was it necessary to define it in the Constitution?
22. Is a man guilty of treason who says that the President ought to be killed, and declares that he will do it?

23. What penalty is provided for treason?
24. Has this penalty been inflicted recently?
25. What is meant by "corruption of blood"?
26. Can a man be tried in a federal court without a jury?
27. Why was the seventh amendment made?

In the following supposed cases let the pupil state whether the trial will be in a State court or a federal court.

28. Robbing the mail.
29. Selling alcohol without United States license.
30. Murder.
31. Breaking open a store for purpose of theft.
32. Counterfeiting.
33. Suit to settle boundary between two States.
34. Reprinting a book on which there is a copyright.
35. Slandering a neighbor.
36. Shooting a man in ship at sea.
37. Sending insulting letters by mail.
38. Cutting timber on land without permission of owner.
39. Carrying concealed weapons.
40. Selling liquor to Indians on reservations.

CHAPTER VI.

RELATION OF STATES TO NATION, AMENDMENTS, ETC.

Section I. The states must give credit to the public acts of other states. Thus a couple married in one state according to the laws of that state must be considered legally married in any other state to which they may remove, though the laws may differ widely in the two states. Also, a judgment obtained after due trial in a court of one state may be entered and collected in another state to which the debtor may have removed.

But a citizen moving from one state to another can not claim in his new home more rights than his fellow citizens enjoy although the laws of his former home might have been more liberal.

Section II. 1.—This clause is somewhat indefinite but embodies an important principle. It prevents discrimination by one state against another; and makes the nation homogeneous. The right to vote is not considered one of the privileges and immunities referred to. For instance, a citizen of Florida who can not read and write can not vote in Massachusetts or Mississippi.

The right of certain persons to ride in certain cars may differ in different states.

2—Governors generally deliver the fugitive on demand. Sometimes the demand is refused, but presumably on account of some irregularity in the proceedings.

3.—This clause was the foundation of the fugitive slave laws that occasioned so much discussion in slavery days. Also boys were often "bound out" formerly as apprentices and under obligation to serve their masters for a certain number of years. Should the lads run away, they could be returned, if caught, under this clause.

Section III. New States.—West Virginia was erected within the jurisdiction of Virginia but this was during the civil war and was with the consent of a factional legislature meeting in the western part of the state. When Texas was admitted it was agreed that the immense area included in that state might be made into five states, if the legislature of Texas should consent. This was to preserve the equality in the United States Senate between the slave holding states and the "free" states. Texas, however, did not consent to this division.

Section IV. This section would probably authorize the National Government to *compel* a re-

publican form of government in each state, as well as to guarantee it.

The President of the United States has not always waited for the application of the legislature or governor before sending troops into a state. It is his duty to protect the mails and the property of the United States and so in case of strikes and riots he has sometimes anticipated the request of the state.

Article V. Power of Amendment. Let the reader note the two modes of amending the Constitution:

Amendment by a convention has never been employed.

The first ten amendments are in the nature of a Bill of Rights. They were proposed to the first Congress that met under the Constitution by the states. The Constitution would not have been ratified by the requisite number of states unless it had been presumed that these or similar amendments would be made.

Article VI. 1.—This was simply an act of common honesty. There was a temptation, however, to let the debts of the expiring government take care of themselves. But such men as Washington, Madison, Randolph and others could not entertain such a thought for a moment. The new government succeeded to the obligations as well as the rights of the confederation.

2.—By this clause is plainly expressed the *national* character of our Government as distinguished from a confederation of sovereign states. The doctrine of secession is not touched, however. For the states agreed to the national supremacy *so long*

as they should continue in the Union. But the civil war settled the question against the right to withdraw.

ARTICLE VII.

As there were only thirteen states at that time nine states was a large enough number to insure the success of the movement. Delaware was the first to ratify and Rhode Island the last.

AMENDMENTS TO THE CONSTITUTION.

It has already been said that the first ten amendments were proposed to Congress by the states when they ratified the Constitution. There were very many amendments thus proposed, but the substance of nearly all of them was condensed into ten which being proposed to the legislatures of the states were ratified. They constitute a Bill of Rights and are intended to guard against the encroachment of the National Government on the rights of individuals or states. They do not affect the legislatures or courts of the states.

The eleventh amendment was proposed in 1794. A citizen of Georgia had sued the state. This excited alarm and indignation and the amendment resulted.

The twelfth amendment was seen to be desirable from the contest in the House of Representatives over the election of Jefferson. It makes the President and Vice-President of the same political party and thus secures harmony in the administration.

The thirteenth and succeeding amendments were the outgrowth of the civil war. In the heat of the passions engendered by the struggle and subsequent

events the dominant party secured the passage of amendments which upon a cooler and more conservative consideration have been regretted.

The fifteenth amendment, especially, involves the rights of the states and is the cause of unnecessary and injurious irritation.

QUESTIONS.

1. Can a man who is a voter in one State claim the right to vote in another State under Article IV., Sec. II., Clause 1?

2. To what class of persons was Clause 3 intended to apply?

3. Has any State been erected within the boundaries of any other State?

4. In what two ways may amendments to the Constitution be proposed?

5. What majority is necessary in each case?

6. How may proposed amendments be ratified? What majority is necessary?

7. In which way have amendments been made?

8. What provision of the Constitution can never be changed?

9. Does Article VI., Clause 1 refer to debts of individuals?

10. What is the supreme law of the land?

11. Were many amendments proposed at the first meeting of Congress?

12. How many were finally adopted by the States?

13. What was the general purpose of these amendments?

14. What was the occasion of the eleventh amendment?

15. How was Jefferson elected President?

16. Was his Vice-President of the same political sentiments?

17. What was the general purpose of the rest of the amendments?

18. Has the negro been benefited by the fifteenth amendment?

TOPICAL ANALYSIS

Of the Constitution of the United States, Arranged according
to Subject Matter.

CONSPECTUS.

TOPIC I. Provisions of the Constitu- tion as to	Rights of Individuals	{ Person and property. Rights of accused. Political rights.
	Relation be- tween states and the Na- tion.	{ General Statement. Duties and Powers of Nation. { Nation required. Nation permitted. Nation forbidden.
	Organization of National- Federal Gov- ernment.	{ Duties and Powers of States. { States required. States permitted. States forbidden. { Legislative Department. Executive Department. Judicial Department.

RIGHTS OF INDIVIDUALS.

TOPIC II Rights of Individuals.	Political Rights.	Slavery forbidden Am. XIII. Not to be deprived of life, etc. Am.'s V and XIV Habeas Corpus not suspend- ed Art.I, Sec. IX, Clause 2 Equal protection and priv- ileges Art. IV, Sec. II, Cl. 1; Am. XIV Unreasonable searches forbidden....Am. IV Soldiers not to be quartered.....Am. III Jury trial in certain civil suits.....Am. VII Obligations of contracts not im- paired Art. I, Sec. X, Cl. 1.
		"Citizen" defined Am. XIV Citizens of one state privileges in all ..Am. XIV and Art. IV, Sec. II, Cl. 1 Right to vote not abridged..Am. XIV and XV Religious freedom.....Am. I No religious test for office.....Art. VI, Cl. 3 Right to assemble and petition.....Am. I Freedom of speech and press.....Am. I Right to bear arms Am. II

RIGHTS OF INDIVIDUALS.

TOPIC III. Rights of Accused Persons.	{	Before Trial	{ Not to be arrested without warrant..Am. IV Excessive bail not required.....Am. VIII Must be indicted by grand jury.....Am. V
		On Trial.	{ In his own state and district.....Am. VI By impartial jury Am. VI Trial speedy Am. VI And public Am. VI Hear the accusation Am. VI Be confronted with witnesses against..Am. VI Have counsel for defense Am. VI Have witnesses summoned for him..Am. VI Not obliged to criminate himself.....Am. V Nor be put twice in jeopardy.....Am. V Not tried by ex post facto law.....Art. I, Sec. IX, Cl. 3 Nor convicted of treason, except Art. III, Sec. III, Cl. 1
		If Convicted	{ Excessive fine not imposed.....Am. VIII Nor cruel and unusual punishment..Am. VIII Nor suffer "corruption of blood" Art. III, Sec. III, Cl. 2 Nor forfeiture of estate, except Art. III, Sec. III, Cl. 2

RELATIONS BETWEEN THE STATES AND THE NATION.

TOPIC IV.

General
Statement of
Relation of
States and
Nation.

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 For what purposes Preamble.
 How ratified. A VII
 How many be amended AV
 Constitution the supreme law. . . . A VI, C 2
 State officers swear to support Con-
 stitution A VI, C 3
 Certain powers reserved to people
 or states Am. X
 Enumeration of certain rights not
 deny others. Am. IX
 Judicial power of United States
 reaches individuals. A III, Sec. II
 A state can not be sued by citizens of
 other states or aliens in a U. S.
 court Am. XI
 Nation assumes debts of confedera-
 tion A VI, C 1

RELATIONS BETWEEN THE STATES AND THE NATION.

TOPIC V.
Nation re-
quired.

To guarantee to each state a repub-
lican government A IV, S IV
To protect states from invasion....A IV, S IV
To and from domestic violence when
applied to A IV, S IV
To publish acct. of receipts and ex-
penditures A I, S IX, C 7
To acknowledge debts of confedera-
tion A VI, C I

TOPIC VI.
Nation for-
bidden.

To prohibit slave-trade before
1808 A I, S IX, C 1
To lay direct taxes except, etc...A I, S IX, C 4
To lay export duties A I, S IX, C 5
To give preference to ports of any
state A I, S IX, C 6
To erect new state within
old, etc.....A IV, S III, C 1
To deprive a state of equal suffrage
in Senate A V
To extend judicial power to suits
against state, etc. Am. XI
To designate the place of choosing
senators A I, S IV, C 1
To draw money without appropriation
by law A I, S IX, C 7
To assume or pay debts incurred in
rebellion Am. XIV C 1
To abridge right to vote on account
of color, etc. Am. XV
To grant titles of nobility A I, S IX C 8
To deny writ of habeas corpus..A I, S IX C 2
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facto law A I, S IX C 3
To abridge freedom of religion, etc...Am. I
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To abridge right to assemble and pe-
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RELATIONS BETWEEN THE STATES AND THE NATION.

TOPIC VII.
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 mitted.

- To lay and collect taxes, etc.....A I, S VIII, C 1
- To lay tax on persons imported A I, S IX, C 1
- To borrow money on credit of U. S.... A I, S VIII, C 2
- To coin money, etc A I, S VIII, C 5
- To provide punishment for counterfeiting...A I, S VIII, C 6
- To make uniform law of bankruptcy...A I, S VIII, C 4
- To declare war, grant letters of marque,
 etc.....A I, S VIII, C 11
- To raise and support armies, but, etc. ..A I, S VIII, C 12
- To provide and maintain a navy A I, S VIII, C 13
- To make rules to govern army and navy.A I, S VIII, C 14
- To provide for organizing militia....A I, S VIII, C 16
- To provide for calling forth militia....A I, S VIII, C 15
- To regulate commerce between states,
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- To establish rule of naturalization.....A I, S VIII, C 4
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- To grant patents and copyrights.....A I, S VIII, C 8
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 etc. A III, S III, C 2
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 lands, etc. A I, S VIII, C 17
- To prescribe time and mode of electing
 senators A I, S IV, C 1
- To determine time of choosing presidential
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- To admit new states A IV, S III, C 1
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- To make all necessary and proper laws to
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RELATIONS BETWEEN THE STATES AND THE NATION.

TOPIC VIII.

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quired.

- To give full faith and credit to public acts, etc. A IV, S I, —
- To grant to citizens of other states same privileges A IV, S II, C 1
- To deliver up fugitives from justice.....A IV, S II C 2
- To deliver up fugitives from service, etc..A IV, S II, C 3

TOPIC IX.

States per-
mitted.

- To do all things not delegated to U. S. nor prohibited to the states.....Am. X

TOPIC X.

States for-
bidden.

- To enter into any treaty alliance or confederation A I, S X, C 1
- To grant letters of marque, and reprisal..A I, S X, C 1
- To coin money or emit bills of credit....A I, S X, C 1
- To make anything legal tender except....A I, S X, C 1
- To pass bill of attainder or ex post facto law A I, S X, C 1
- To pass law impairing obligation of contracts A I, S X, C 1
- To grant titles of nobility A I, S X, C 1
- To make any law abridging privileges of citizens Am. XIV, C 1
- To deprive of life, liberty or property without Am. XIV, C 1
- To deny right to vote on account of race, etc..Am. XV
- To assume or pay debts incurred in aid, etc., without consent of congress..... Am. XIV C 4
- To lay imports or duties on imports, etc..A I, S X, C 2
- To lay duty of tonnage A I, S X, C 3
- To keep troops or ships of war in peace..A I, S X, C 3
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LEGISLATIVE DEPARTMENT.

TOPIC XI.
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a whole.

TOPIC XI. Congress as a whole.	{	Constitution.	{ Senate A I, S I House of Representatives ... A I, S I	
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LEGISLATIVE DEPARTMENT.

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Duties of
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LEGISLATIVE DEPARTMENT.

TOPIC XIII Senate.	Constitution	Composed of A I, S III, C 1
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		How chosen A I, S III, C 1—Notes
		Term of service.....A I, S III, C 1
		Classes A I, S III, C 2
		Compensation A I, S VI, C 1
		Vacancy, how filled.....A I, S III, C 2
		Presiding officer A I, S III, C 4
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	Powers	Legislative— Jointly with house....A I, S VII, C 1 & 2
		Executive— Confirm and ratify A II, S II, C 2
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		How members chosen A I, S II, C 1
		Qualification of electors A I, S II, C 1
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		Apportionment....A I, S II, C 3, Am. XIV C 2
		Vacancies, how filled A I, S II, C 4
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	Powers	Legislative— Joint with senate.....A I, S VII, C 1 & 2
		Exclusive in introducing revenue bills A I, S VII, C 1
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EXECUTIVE DEPARTMENT.

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EXECUTIVE DEPARTMENT.

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		Compensation.....	(See Notets.)
		Oath of office	A VI, C 3
		How Elected. {	
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				How appointed...A II, S II, C 2
				Term of service...A III, S I
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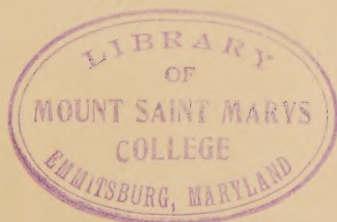
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